United Nations

Press Release

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Background Release

HR/CN/399*
28 January 1993

# HUMAN RIGHTS COMMISSION TO HOLD FORTY-NINTH SESSION AT GENEVA, 1 FEBRUARY-12 MARCH

## To Examine Country Situations, Alleged Violations, Standard Setting, Advisory Services to States, Implementation of Treaties, Self-Determination

GENEVA, 28 Janaury (UN Information Service) -- The state of human rights and fundamental freedoms in the world today will be the centre of discussion as the Commission on Human Rights, the principal policy-making organ in that field within the United Nations system, holds its forty-ninth session here from 1 February to 12 March.

Established in 1946 by the Economic and Social Council, the Commission has an extensive mandate covering a wide range of human rights issues. In addition to preparing studies, making recommendations and drafting international human rights instruments, it also undertakes special tasks assigned to it by the General Assembly or the Council, including the investigation of alleged human rights violations. In addition, it provides for the coordination of human rights activities in the United Nations system. The Commission, since 1992, has been authorized to meet exceptionally to consider particularly grave human rights situations, provided that a majority of its members so agree. Two such special sessions were held in 1992.

The forthcoming session is expected to deal with questions such as human rights violations in the occupied Arab territories and southern Africa; and the human rights situations in southern Lebanon, Cuba, Romania, Iraq, Albania, Afghanistan, Iran, Myanmar, Haiti, Equatorial Guinea, former Yugoslavia and East Timor. The question of human rights in Cyprus will also be considered. The adverse consequences for the enjoyment of human rights of assistance to South Africa will be examined, as will measures to ensure the rights of migrant workers, detainees, minorities and children.

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* Press Release HR/CN/395 of 15 December 1992 should have been numbered HR/CN/398.

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Also on the Commission's provisional agenda, is the right of peoples to self-determination, in particular with regard to occupied Palestine and Cambodia, as is the question of assistance to the Governments of Guatemala and El Salvador in human rights matters.

The realization in all countries of economic, social and cultural rights, of the right to development and promotion of universally recognized human rights and fundamental freedoms will be discussed. The Commission will focus on phenomena such as torture and other cruel treatment or punishment, enforced disappearances, human rights and mass exoduses and hostage-taking.

Also to be looked at are violation of the human rights of United Nations staff members, including their detention, disappearance and death; the independence and impartiality of the judiciary; and the system for providing assistance in human rights matters to countries that request it. The Commission will consider the report of its Subcommission on Prevention of Discrimination and Protection of Minorities on its 1992 regular session, held last August at Geneva, and will act on about 20 draft resolutions and draft decisions submitted to it by the Subcommission. The Commission will continue its standard-setting work, with a draft text on the responsibility of individuals, groups and organs of society to promote and protect human rights.

Human Rights Violations

Since 1968, the Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the 1967 hostilities. Among the documents before the Commission under that item will be a list of United Nations reports issued between sessions of the Commission that deal with the living conditions of the population of the Palestinian and other occupied Arab territories.

Concerning South Africa, the Commission last year once more requested the authorities of that country to allow the Ad Hoc Working Group of Experts on Southern Africa to visit South Africa and to cooperate with it. It also called upon the Centre for Human Rights to respond at the appropriate time to the needs of the changing situation in South Africa during the period of transition. The Commission will have before it the final report of the Working Group, as well as the updated report of the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities containing a list of banks, transnational corporations and other organizations assisting the South African regime.

During 1992, Special Rapporteurs were appointed to establish direct contacts with the Government and people of Myanmar, to prepare a report on the situation of human rights in Haiti, to make a thorough study of the violation of human rights by the Government of Equatorial Guinea and to investigate the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina. Reports on all the above questions, as well as on summary or arbitrary executions, will be before the Commission.

In addition, situations which appear to reveal a consistent pattern of gross violations will be examined under Economic and Social Council

resolution 1503 adopted in 1970. Since then, particular situations relating to some 50 countries have been placed before the Commission under the procedure. This work will be carried out in closed meetings on the basis of a confidential report from the Commission's Working Group on Situations as well as other confidential documents.

Also on the agenda is the question of the human rights of all persons subjected to any form of detention or imprisonment. Among the questions the Commission will look at under this item are torture, enforced or involuntary disappearances, human rights and states of emergency, violation of the human rights of United Nations staff members; the independence of the judiciary, hostage-taking, the right to a fair trial and arbitrary detention.

Last year, the Commission requested the Secretary-General to submit to the Commission at this session an updated version of his report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled since the presentation of the last report. That report will be before the Commission, as will be a list of States which, since 1 January 1985, had proclaimed, extended or terminated a state of emergency and the comprehensive report of the Working Group on Arbitrary Detention.

Economic, Social and Cultural Rights

The question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights has been a high-priority issue on the Commission's agenda since 1975. Under it, the Commission studies the special problems faced by developing countries in their efforts to achieve those human rights. Those include, for example, problems related to the right to enjoy an adequate standard of living, foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights. Before the body will be the final report of the Subcommission's Special Rapporteur on the realization of those rights, as well as the report of the Independent Expert on the right to own property.

The Commission will also study the progress made in the realization of the right to development with the help of a report from the Secretary-General containing concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development.

Right to Self-Determination

Last year, the Commission adopted resolutions on the situations in Afghanistan, Western Sahara, occupied Palestine and Cambodia within the framework of its concern for the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation. Among other things, it decided to consider the situation in occupied Palestine as a matter of high priority at the 1993 session.

Regarding Cambodia, it requested the Secretary-General to inform the Commission about the human rights activities being carried out there by the United Nations Transitional Authority in Cambodia (UNTAC) and by the Centre for Human Rights. His report of this question will be before the Commission. The report of the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination will also be examined.

Elimination of Discrimination

Again this year, the Commission will deal with the issue of racial and religious discrimination by focusing on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (1983-1993) and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

Last year, the Commission requested the Secretary-General to continue a study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in education, training and employment, and to submit specific recommendations for the implementation of measures to combat the effects of that discrimination. Also before the Commission will be a note of the Secretary-General on the launching of a third decade to combat racism and racial discrimination.

Human Rights Promotion and Protection

In evaluating its programme and methods of work, the Commission looks at alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms. National institutions for human rights protection also come up for study, as does the coordinating role of the Centre for Human Rights within the United Nations bodies and machinery in that field. Those bodies include the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, which monitor, respectively, implementation of the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights. How they, as well as the other bodies set up to monitor human rights instruments, carry out their mandates will also be examined.

Before the Commission will be a report by the Secretary-General on public information activities with special emphasis on the activities of the World Public Information Campaign for Human Rights. The Secretary-General was also asked to submit a comprehensive study to the Commission identifying existing laws and mechanisms for the protection of internally displaced persons, along with possible additional measures to strengthen implementation of those laws and mechanisms. Other questions to be addressed include regional arrangements for the promotion and protection of human rights, establishment of an emergency mechanism of the Commission, and civil defence forces.

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Standard-Setting

The Commission is continuing its standard-setting activities with work on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. Last year, the Commission took note of the report of the open-ended working group on that question and welcomed the submission of a first text. It expressed the wish that the working group would complete its task and submit the draft declaration to the Commission at the forthcoming session. The report of the working group will be before the Commission.

In addition, the Commission will consider the question of a draft Optional Protocol to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment designed to establish a system of visits by a committee of experts to places of detention within the jurisdiction of States parties to the Protocol. Last year, the Committee decided to establish an open-ended intersessional working group to elaborate a draft Optional Protocol, using as a basis for its discussion the draft text proposed by the Government of Costa Rica in January 1991. The report of the Working Group, which met at Geneva from 19 to 30 October 1992, will be before the Commission.

Rights of the Child

The question of the rights of the child has gained increasing importance during recent years, especially since the entry into force in 1990 of the Convention on the Rights of the Child. Under that question, the Commission will consider the status of the Convention and the report of the Special Rapporteur on the sale of children, including child prostitution and child pornography and the problem of the adoption of children for commercial purposes. Also before it will be a note by the Secretariat on a draft programme of action for the elimination of the exploitation of child labour.

World Conference on Human Rights

The Commission will consider the preparations for the World Conference on Human Rights, to be held in Vienna from 14 to 25 June. The fourth and final session of the World Conference's Preparatory Committee is scheduled to be held at Geneva from 13 to 23 April.

Composition of Commission

The composition of the Commission is as follows: Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia*, Finland,

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* In a letter dated 10 December 1992, the Permanent Representative of Czechoslovakia informed the Secretary-General that the Czech and Slovak Federal Republic would cease to exist on 31 December 1992. On 19 January 1993, the Czech Republic and the Slovak Republic were admitted to membership in the United Nations.

France, Gabon, Gambia, Germany, Guinea-Bissau, India, Indonesia, Iran, Japan, Kenya, Lesotho, Libya, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syria, Togo, Tunisia, United Kingdom, United States, Uruguay, Venezuela and Zambia.

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United Nations

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HR/CN/400
1 February 1993

# COMMISSION ON HUMAN RIGHTS BEGINS FORTY-NINTH SESSION

## Elects Mohamed Ennaceur (Tunisia) as Chairman, Other Bureau Members, Adds Agenda Item on Former Yugoslavia

GENEVA, 1 February (UN Information Service) -- The Commission on Human Rights, the principal United Nations policy-making body in the field of human rights, began its forty-ninth session this morning by adopting its agenda and electing its bureau for the six-week session.

Elected as Chairman for the session was Mohamed Ennaceur (Tunisia). Cornelis Flinterman (Netherlands), Roberto Garreton (Chile) and Soemadi Brotodiningrat (Indonesia) were elected Vice-Chairmen. Zdzislaw Kedzia (Poland) was elected to the post of Rapporteur.

The Commission's agenda approved this morning includes items on human rights violations in the occupied Arab territories, including Palestine, and in southern Africa. In addition, the Commission will discuss the human rights situation in southern Lebanon, Cuba, Romania, Albania, Iran, Iraq, Myanmar, Haiti, East Timor, Afghanistan, Equatorial Guinea and Cyprus. Those specific country situations will be discussed on the basis of reports submitted by special rapporteurs appointed by the Commission for each country.

The Commission also decided to add a new item to its agenda entitled "the situation of human rights in the territory of the former Yugoslavia". The debate on that issue is expected to take place early next week, when Tadeusz Mazowiecki, the Commission's Special Rapporteur on the matter, will be in Geneva to report on his latest mission to the area.

Several representatives opposed the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Commission. They said that the General Assembly had decided, by resolution 47/1, to not allow the Federal Republic of Yugoslavia to participate in its work, pending that country's application for membership to the United Nations. The Assembly decided that the Federal Republic of Yugoslavia could not automatically succeed to the seat held formerly by the Socialist Federal Republic of Yugoslavia. They said that resolution of the Assembly should serve as a model

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For information media—not an official record

for action in other United Nations bodies. Such action was without prejudice to any future decision to be taken over the succession of the Federal Republic of Yugoslavia to the seat of the former Yugoslavia.

In an opening statement, the Chairman, Mohamed Ennaceur (Tunisia) said the Commission should not limit itself to the simple condemnation of human rights violations. Its role should be to prevent rather than to condemn; to analyse objectively the many causes which led to human rights violations; and to evaluate progress achieved and the gaps which remained. Ultimately, the Commission's decisions should contribute to the universal respect for human rights in all regions of the world.

Statements were also made by the Under-Secretary-General for Human Rights, Antoine Blanca, and last year's Vice-Chairman, Sirous Nasseri.

Statement by Outgoing Vice-Chairman

SIROUS NASSERI (Iran), the outgoing Vice-Chairman, said that the world had entered the 1990s with the hope that, at last, peace, prosperity, freedom and justice were close at hand. Little over two years into the decade, the high spirits had all but faded. The call for a new and just international order had, more often than not, been nicknamed as "the new international disorder".

Yet, he stated, the outlook was not as grim as it seemed. A real opportunity existed to confront the challenges and the United Nations should play a fundamental role in that endeavour. The never-ending dilemma was how and where to strike the balance between peace, development and human rights. The only possible answer was, as Secretary-General Boutros Boutros-Ghali had said, that "human rights could not be upheld in the absence of economic development and sustained development could not be realized without human rights".

The link between human rights and development had been the subject of acrimonious debate in the past, he continued. The developed world had generally perceived it as a camouflage for reluctance to promote human rights by developing countries. In turn, the developing world had viewed it as a means for the developed States to dodge responsibility towards the economic well-being of the poorer South. However, in the new democracies of Eastern Europe, as well as in the former Soviet Union, severe economic problems were giving rise to totalitarian tendencies. Much of the developing world, on the other hand, was crying out for a minimum level of food, shelter, clothing, health and capacity to work. If chronic economic woes were not resolved through care, aid and the creation of a favourable economic environment, the culture of human rights had little chance.

It was also time to de-politicize United Nations human rights organs as much as possible, he said, through goodwill, a positive mentality and a constructive approach coupled with imagination and innovation.

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Statement by Under-Secretary-General for Human Rights

ANTOINE BLANCA, Under-Secretary-General for Human Rights, said that never had democratic aspirations been expressed as clearly and forcefully around the world as they had in the last year. That situation had created new challenges which called for solutions based on the establishment of institutions to support and strengthen democracy. At the same time, however, the world was witnessing increasing violence and hatred. "Ethnic purification" in Bosnia and Herzegovina had led to massive and systematic violations of human rights and humanitarian law. The Commission had condemned "ethnic purification" and recognized Serbian culpability in that campaign. The time had come to consider seriously the establishment of an international criminal tribunal, he said.

New methods had to be found to combat racism and xenophobia, which were appearing in new forms throughout the world. The General Assembly should therefore launch a new decade for action to combat racism and racial discrimination in 1993, he said. In addition, the principles of human rights should be disseminated globally. For this reason, the number of information booklets and other publications put out by the Centre for Human Rights was constantly on the increase. The Centre had received a growing number of requests for advisory services and technical assistance from States during the last year. The Centre also cooperated with other agencies and institutions of the United Nations system when designing such programmes. Such cooperation allowed human rights to become an integral part of development and political programmes and strategies.

He informed the Commission about the preparatory work being conducted for the World Conference on Human Rights, to be held in Vienna in June. The last session of the General Assembly had decided on the provisional agenda for the Conference. In these times of pain, tragedy, mutual incomprehension and suspicion, it was essential to reaffirm the universality of the 1948 principles as the foundation of all action, be they civil, economic or cultural, he concluded.

Statement by Chairman

MOHAMED ENNACEUR (Tunisia), the Chairman of the Commission, said that through the activities of the Commission and the increase in the number of States ratifying human rights instruments, the international community had ensured that human rights concerns were now a cornerstone of international relations. That, in turn, would serve to create a global respect for human rights and their full realization. It was particularly noteworthy that the media, despite great personal risk, had given humanitarian issues the priority they deserved in shaping global public opinion. However, the past year had been dominated by serious incidents which had profound implications for multilateral relations, especially those concerning respect for international human rights instruments.

At a time when the role of the international community in the establishment of human rights norms was increasing and the improvement of

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procedures for their control and execution was to be noted, it was particularly unfortunate, he said, that the world was witnessing an increase in grave and massive violations of human rights. Those violations strained the credibility of the international community and its ability to create an international order based on justice, freedom and respect for human rights.

The end of this century was being marked by a resurgence of violence, terrorism, civil war, ethnic and social conflict in many parts of the world which had been caused by the fall of certain political regimes. In addition, the emergence of new extremist tendencies under the cover of religion, race or ethnic origin also constituted a serious threat to fundamental freedoms. That situation challenged the international community to be vigilant and called for a global vision in the search for solutions. In fact, a re-examination of the mechanisms, procedures, structures and means for a global strategy for the protection and promotion of human rights was the task which lay ahead and should also be one of the goals of the forthcoming World Conference on Human Rights.

He called on the Commission not to confine its action to simple condemnations of human rights violations. Its role should be to prevent rather than to condemn; to analyse objectively the many causes that led to violations of human rights; to evaluate progress accomplished and to identify the gaps that still existed. The Commission's decisions should contribute to universal respect for human rights in all parts of the world, he said.

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Biographical Note

BIO/2743
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1 February 1993

MOHAMED ENNACEUR (TUNISIA) ELECTED CHAIRMAN
OF COMMISSION ON HUMAN RIGHTS

GENEVA, 1 February (UN Information Service) -- Mohamed Ennaceur (Tunisia), who was this morning elected Chairman of the forty-ninth session of the Commission on Human Rights, has been his country's Permanent Representative to the United Nations and other international organizations in Geneva since September 1991. Last year, he served as Vice-Chairman of the Commission.

Prior to his current assignment at Geneva, Mr. Ennaceur was President of Tunisia's Economic and Social Council, a post he assumed in 1985. He was Tunisia's Minister for Labour and Social Affairs from January 1974 to December 1977 and again from November 1979 to October 1985.

In his diplomatic career, Mr. Ennaceur has participated in numerous international and regional conferences. He represented Tunisia at the Economic and Social Council's Commission for Social Development (1963-1966), the Executive Board of the United Nations Children's Fund (UNICEF) (1963-1964), the International Conference on Education (1980), and the seventieth session of the Economic Commission for Africa (ECA) (1982).

He was the leader of the Tunisian delegation to the International Labour Organisation (ILO) for about 20 years and, in 1985, he was elected President of the seventy-first session of the International Labour Conference. From 1980 to 1985, he headed his country's delegation to the Organization of African Unity (OAU) Social Commission, and served as President of the Executive Bureau of Arab Ministers of Social Affairs.

Mr. Ennaceur is the founding President of the Tunisian Association of Social Law and founding Director of the Tunisian Law Review. He is also Vice-President of the International Labour Law and Social Security Society. He is the author of numerous publications in the field of labour and social law and holds several honorary distinctions. He received his doctorate in law from the University of Paris, Panthéon Sorbonne.

Mr. Ennaceur was born in 1943; he is married and has five children.

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United Nations

Press Release

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HR/CN/402
2 February 1993

# HUMAN RIGHTS COMMISSION TAKES UP QUESTION OF VIOLATIONS OF HUMAN RIGHTS IN OCCUPIED TERRITORIES

## Questions of Former Yugoslavia, Indigenous Populations Placed on Agenda

GENEVA, 2 February (UN Information Service) -- The Commission on Human Rights, taking up the substantive work of its current session, this morning began a general discussion on the violation of human rights in the occupied Arab territories.

Statements on that issue were made by the observers for Palestine and Syria, the representative of Denmark (on behalf of the European Community) and representatives of Amnesty International and the International Fellowship of Reconciliation.

Also this morning, the Commission approved a decision by its officers to add the following two new topics to its agenda: the situation of human rights in the former Yugoslavia and the commemoration of the International Year for the World's Indigenous People (1993).

The situation in Yugoslavia is expected to be discussed on 9 and 10 February in the presence of Tadeusz Mazowiecki, Special Rapporteur on the situation of human rights in the former Yugoslavia. Discussion of the commemoration of the Year for Indigenous People is scheduled for 17 February. Rigoberta Menchu, the 1992 winner of the Nobel Peace Prize will address the Commission on that day.

### Human Rights in Occupied Territories

In connection with violations of human rights in the occupied territories, the Commission had before it a report of the Secretary-General on efforts to bring Commission resolutions 1992/2 A and 1992/2 B to the attention of the Israeli Government and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental and international humanitarian organizations and non-governmental organizations. The report also details activities undertaken by the Department of Public Information (DPI) in connection with Palestinian rights.

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Also before the Commission was a note by the Secretary-General which lists all United Nations reports issued between sessions of the Commission that deal with the conditions under which inhabitants of the Palestinian and other occupied Arab territories were living under Israeli occupation.

In addition, the Commission had before it the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the occupied Territories.

Statements

NABIL RAMLAWI, observer for Palestine, said that those who did not know Israeli Prime Minister Yitzhak Rabin's policies had viewed his election positively last year. Now, the promises of Rabin had proven to be lies and acts of deceit. Deliberate killing of Palestinians continued to be the policy of Israel. That was in clear violation of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, and violated globally held principles of international law. The international community had to expose such crimes against mankind and bring their perpetrators to justice. Moreover, Israel has frequently resorted to torture against Palestinian people, according to successive reports by Amnesty International. That act in itself violated the Charter, the Convention against Torture, the International Covenant on Civil and Political Rights and various other human rights instruments.

The objective of the deliberate killing and torture, he said, had been compounded by the act of deportation. Since 1967, Israel had deported thousands of Palestinians in flagrant violation of Security Council resolutions. Was deportation a crime against humanity as well as a violation of the Fourth Geneva Convention? The Security Council was discussing the situation today, and, as stated in the latest report by the Secretary-General, Israel had refused to comply with resolution 799 (1992) in defiance of the international community.

The international community, he said, was not bringing pressure to bear upon Israel and was failing to accord equal importance to the implementation of the Security Council's resolutions. He urged the Council to call on Israel to comply with resolution 799. The accusations of double standards had started to sully the Council's reputation and posed a challenge to its authority.

The Israeli decision to authorize the return of 100 deportees sought to circumvent the implementation of international law. The deportation was a collective punishment which constituted a "crime against humanity punishable under international law". That act, along with others perpetrated by Israel against the Palestinian people had to be condemned and those guilty brought to justice.

The violations of human rights by Israel would not have happened without the occupation of Arab territories which in itself had been an act of war, he said. Had the Commission on Human Rights held a special session last June to

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investigate the deteriorating human rights situation in the occupied territories, perhaps the present serious situation of human rights violations could have been averted.

A. FATHI MASRI (Syria), said the human rights situation in the occupied territories continued to deteriorate in a dangerous way. The deaths of Palestinian children and other innocent civilians, the bombing raids carried out against villages in southern Lebanon, as well as individual and collective deportations, were examples of actions conducted by Israel in defiance of the international community and the Security Council resolutions. Israel's deportation of 415 Palestinians six weeks ago had been both a tragedy and a "crime against humanity". Less than a year ago, Israel had driven out many Palestinians from the occupied territories by resorting to violence and harassment.

The policy of deportation had one obvious aim: that of reducing the overall Palestinian population in order to provide more room for the establishment of Israeli settlements, he said. The latest deportation constituted a challenge for the Security Council. There was a feeling in the whole world that the Security Council, by failing to force Israel to comply with resolution 799, would demonstrate that unequal importance was attached to different resolutions. The peace process, however, could only proceed if Council resolutions were applied.

JAKOB ESPER LARSEN (Denmark), speaking on behalf of the 12-member European Community said the Community had firmly condemned the recent decision of the Israeli authorities not to comply with Security Council resolution 799. The deportations constituted a serious violation of international law -- not only as a clear breach of the Fourth Geneva Convention -- but also as an infringement of the sovereignty of Lebanon. He called on Israel to recognize the de jure application of the Fourth Geneva Convention to the occupied territories, including East Jerusalem.

A just and lasting solution to the Arab-Israeli conflict and the Palestinian question had to be based on Security Council resolutions 242 (1967) and 338 (1973), he said. The current cycle of violence, repression and retaliation would only lead to more problems in the future. From the beginning, the European Community had welcomed the proclaimed intention of the Israeli Government to take steps to improve the human rights situation and to promote confidence-building measures. However, the various positive steps which the Israeli Government had taken, had had a very limited effect on the actual situation for Palestinians in the occupied territories and were currently overshadowed by the illegal deportation of more than 400 Palestinians.

In addition, he said, despite the partial freeze on settlements, construction of new units was still going on and there were no restrictions on construction in East Jerusalem. The European Community was very concerned about the treatment in Israeli prisons of Palestinians who were held without trial and deplored the frequent use of excessive force by Israeli security troops in connection with Palestinian demonstrations. The repeated Israeli

practice of imposing curfews as a means of collective punishment of the civilian population as well as other restrictions of movement in the occupied territories, was also very worrying.

He urged the Israeli Government to repeal the policy of deportations, which constituted a human right violation and could harm the peace process. The only way forward was to continue the talks initiated in Madrid between the parties concerned with the aim of arriving at a peaceful solution. If so, the interim arrangements for self-government may be in place by this time next year, resulting in a fundamental improvement in the human rights situation in the occupied territories.

CLAUDIO CORDONE, of Amnesty International said his organization deplored the upsurge in the number of killings and the continued use of torture last year, as well as the mass deportation of Palestinians to south Lebanon and the arbitrary detention there of many Lebanese. During 1992, Israeli forces, including undercover police and army units, had shot dead more than 120 Palestinians. While some had been shot during armed clashes, others had been killed in circumstances suggesting summary executions or other unjustifiable killings. Also last year, Palestinian detainees under interrogation by the Israeli authorities had continued to be subjected to systematic torture or ill-treatment.

The international attention on the Palestinian deportees should extend to other victims of human rights violations in south Lebanon, he said. Some 200 detainees were held in the Khiam detention centre in the Israeli-declared "security zone". Amnesty International believed that the Israeli Government could not disclaim responsibility for the treatment and fate of the detainees in Khiam; Israel should clarify the legal situation of those detainees. His organization on was also concerned about the fate of the missing Israeli soldiers and the "South Lebanon Army". It continued to urge the Palestine Liberation Organization (PLO) and the Islamic Resistance Movement (Hamas) to do all in their power to prevent attacks on Israeli civilians and to prevent the torture and arbitrary killing of alleged Palestinian "collaborators".

Human rights violations and abuses were unjustifiable and did not further the search for justice and peace, he went on to say. Amnesty International called on all Governments and opposition groups involved in the Arab-Israeli conflict to respect human rights and basic humanitarian standards.

DAVID LITTMAN, of the International Fellowship of Reconciliation Movement, said that the five resolutions passed by the Subcommission on the Prevention of Discrimination and the Protection of Minorities last year did not mention the ongoing Middle East negotiations, other than to negate them by implication. United Nations bodies should move with the times and light the way. The drafting of a balanced resolution, conducive to the search for a peaceful settlement in the simmering Middle East, should be a goal of the Commission. He recalled that four years ago he had told the Commission that the 18 August 1988 "Covenant" of Hamas was "a blueprint for genocide" and had read out some "lethal passages". The direct link between some of its themes and classic Nazi doctrine was flagrant. The Hamas "Covenant" did not merely proclaim a total opposition to all Middle East international conferences, negotiations and peaceful settlements. It also proclaimed a jihad (holy war) to be waged until Israel's destruction, after which the land would be cleansed from impurity. Moreover, it declared with regard to Jews and Zionists (called "the enemies") that: "Their plan is embodied in the Protocols of the Elders of Zion".

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United Nations

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HR/CN/403
5 February 1993

# HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON SELF-DETERMINATION

## Hears Statement by Danish Minister for Foreign Affairs

GENEVA, 3 February (UN Information Service) -- In an address to the Commission on Human Rights this afternoon, Denmark's Minister for Foreign Affairs condemned the flagrant and continuing violation of human rights and humanitarian law in the former Yugoslavia. Speaking on behalf of the European Community, Niels Helveg Petersen said the world should not acquiesce in the results of the policy and practice of "ethnic cleansing", for which the Serbian authorities bore the primary responsibility. He supported Tadeusz Mazowiecki's appointment as Special Rapporteur on human rights in the former Yugoslavia, and said his report, while not stopping the violations, established clear facts in a situation of war propaganda and lies. This time, no one could pretend not to have known what was going on, he said.

Also this afternoon, the Commission resumed its consideration of human rights in the occupied Arab territories. Speakers in that debate said the situation there had continued to worsen and that Israel persisted in defying all United Nations resolutions. Some said the credibility of the United Nations was at stake in that matter unless it made sure that its resolutions were fully implemented. Several speakers called for the return of all the deportees to Israel and urged Israel to respect international humanitarian law.

Pakistan, speaking on the question of the right to self-determination, reiterated its call for an independent fact-finding mission to Kashmir.

Statements were made this afternoon by the representatives of Pakistan, Republic of Korea, Argentina, Mauritania, India, Cyprus, Centre Europe Tiers-Monde, International Federation of Human Rights and the International Fellowship of Reconciliation.

The representatives of India and Pakistan spoke in exercise of their right of reply.

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Statement by Danish Foreign Minister

NIELS HELVEG PETERSEN, Minister for Foreign Affairs of Denmark, speaking on behalf of the 12-member European Community, said the Community's approach to human rights had repeatedly been amplified in a great number of interventions. Therefore, no Government could harbour any doubt about the Community's stand and policy in questions of human rights.

The Community, he said, refused to accept that State sovereignty be used as a shield for any country to carry out violations of human rights. On the contrary, it insisted that the safeguarding of human rights and fundamental freedoms was a legitimate and urgent duty of the world community and individual States. It was within that framework that the Community recognized the important role of human rights and democracy in achieving balanced and sustainable development.

The Community supported and encouraged trends toward democracy in many parts of the world, including Eastern Europe and Africa, he continued. Despite positive trends, however, the overall situation still gave rise to concern. The effective protection of human rights still lagged far behind the impressive catalogue of existing human rights norms and standards.

He condemned the flagrant and continuing violation of human rights and humanitarian law in the former Yugoslavia and said that the international community would never acquiesce in the results of the policy and practice of "ethnic cleansing", for which the Serbian authorities bore the primary responsibility. The Community, he added, had given its full support to the appointment of the Special Rapporteur, former Polish Prime Minister Tadeusz Mazowiecki. Mr. Mazowiecki's report, however, did not stop the human rights violations. But it established clear facts in a situation of war propaganda and lies, and it called for further action. This time, no one could pretend not to have known what was going on.

The Community would promote the extension of the Special Rapporteur's mandates to the extent that it was merited by the human rights situation in the country. It also continued to support the mechanism for holding special sessions of the Commission.

He urged that the forthcoming World Conference on Human Rights should focus on achieving certain major goals. The most important goal, in the view of the Community, was the full implementation of existing human rights standards. Much constructive work had been done in the years since the adoption of the Universal Declaration. The task now was to turn words into deeds.

Other Statements

MALIK OZDEN, of the Centre Europe-Tiers Monde, said the Government of Yitzhak Rabin had greatly disappointed the international community. The recent deportations represented a qualitative leap in the list of Israeli violations of human rights and was a real provocation intended to prevent the

success of the peace process. The deportation was in violation, not only of Geneva Convention but also of Israeli legislation itself. The deportees were living in inhuman conditions. Lea Tsemel, a lawyer from the Association for Civil Rights in Israel, had alerted the media and had made possible the extensive international campaign against the deportation. Demonstrations in the occupied territories in support of the deportees had been suppressed with bloody brutality and had caused an upsurge of violence. The act of deportation had been carried out suddenly and without legal basis.

The international reaction, he said, and the reaction in Israel have compelled the Rabin Government to pretend to be giving up on the issue. The offer to take back one hundred deportees was a new defiance by Israel of international law and a contempt for United Nations resolutions. The acts of eviction were part of a demographic restructuring in favour of the Jewish population.

To stop this "ethnic cleansing", he continued, all deportees should be repatriated with their security guaranteed. The independence of Lebanon should also be guaranteed and Israel should strictly adhere to the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and put an end to the "double standards" supported by the United States. The Security Council should consider imposing immediate sanctions against Israel.

MUSHAHID HUSSAIN (Pakistan) said that self-determination, the raison d'être of every State, was the most important principle which emanated from the collective will of the people which in turn, governed all human dignity. Pakistan itself had achieved independence through the exercise of the right to self-determination 45 years ago. It therefore considered it a duty to extend full support to peoples suffering under colonial or alien domination to exercise their right to self-determination. It was a great tragedy to witness cases where the right to self-determination had not been realized. Palestine, South Africa and Kashmir were glaring examples of such cases.

Under the agreement by which British India was partitioned into India and Pakistan, wherever there was any element of doubt about any territory, the matter was decided through a plebiscite. The Kashmir dispute had stemmed from the fact that India had negated that cardinal principle and had instead launched a full-scale military operation in Jammu and Kashmir to seize the territory by force. The United Nations Commission for India and Pakistan had submitted proposals to the two Governments which, upon their acceptance by both Governments, were incorporated in a resolution adopted by the Commission on 13 August 1948. That resolution and others reaffirmed the right to self-determination of the people of Kashmir, and continued to be valid and operative. India and Pakistan, as parties to the dispute, were bound by them.

He said India's oft-repeated assertion that the people of Jammu and Kashmir had already exercised their right to self-determination by taking part in the bogus elections which India had conducted from time to time under the watchful control of its army was also rejected by the Security Council resolutions 91 (1951) and 122 (1957). The people of Jammu and Kashmir, having

waited for over 45 years for the international community to deliver its pledge, had come to the conclusion that enough was enough, and had risen in revolt in January 1990.

Since then, he said, the Indian security forces had launched a bloody campaign to crush the popular Kashmiri movement for self-determination. Thousands had been killed, incarcerated and tortured. Many more -- tens of thousands -- had been subjected to degrading interrogation and searches, during which men and children had been beaten and women raped. Indian occupation troops now numbered over four hundred thousand in the territory.

In order to justify its illegal occupation of Kashmir, he said, India endeavoured to portray Kashmir as an integral part of India, contending by implication the redundance of the plebiscite requirement. It was now trying to divert the attention of world public opinion from the facts by pointing a finger at Pakistan as the party responsible for instigating the unrest.

Mr. Hussain called for the setting up of a neutral team to visit the area and to establish the facts. India had tried to ignore the call for an independent fact-finding team. Perhaps it was because of a desire to conceal its guilt? Pakistan remained committed to the peaceful settlement of the Kashmir dispute in accordance with United Nations Security Council resolutions and the spirit of the Simla Agreement.

SOO GIL PARK (Republic of Korea) said that today's world offered fresh challenges and opportunities for the international community to advance the noble cause of human rights. Over the past 20 years, the Commission, with deep concern and expectation, had dealt with the question of the violation of human rights in the occupied Arab territories. After the change of the Israeli Government last June, Korea welcomed the fresh momentum, including Israel's pledge to curtail the building of settlements in the occupied territories, thus opening conciliatory and hopeful prospects for the future of the peace talks.

None the less, the Commission continued to receive many reports of human rights violations in the occupied territories, such as summary executions, torture and inhuman treatments, use of excessive force against demonstrators, and various forms of collective punishments. The Commission was deeply distressed to learn of the serious armed violence that had occurred in December 1992 and, in particular, of the subsequent deportation of more than 400 Palestinians. His delegation was also concerned that the deportations by the Government of Israel did not conform with international humanitarian laws and principles, and, furthermore, adversely affected the ongoing Middle East peace process. He said he hoped that respect for the human rights of the deportees would be ensured and that they would be safely repatriated as soon as possible. He reiterated his Government's firm support for a political settlement on the basis of the relevent resolutions of the United Nations, in particular Security Council resolutions 242 (1967) and 338 (1973). The Republic of Korea also wished to reaffirm that the Fourth Geneva Convention

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was fully applicable to the occupied territories. Violence and terror in any form, from whatever source, would never be a contributing factor to the amelioration and resolution of the problems in the Middle East.

JUAN A. LANUS (Argentina), said principal responsibility for human rights, and for monitoring them, resided at the national level. Governments should carry out that task through their legal systems, churches and non-governmental organizations. The international community clearly had a role to play in monitoring and, if necessary, condemning violations of human rights. Argentina was of the view that international competence and responsibility for human rights should be exercised in a strict and impartial manner. Cultural differences and national traditions and social practices could not be used as excuses for assaults on the fundamental dignity of human beings. Argentina would support projects intended to strengthen international machinery for monitoring and enforcing human rights.

The Middle East peace conference had been progressing and Argentina was dissatisfied with the human rights violations by Israel in the occupied territories. Without the return of the 400 deportees to their homes, Argentina foresaw no solution to the longstanding disagreements between the two parties. The only hope for a peaceful solution was to pursue the peace talks. The dismantling of apartheid in South Africa was also noteworthy, but genuine freedom of speech, association and of the press remained a remote target in that country.

M.S. OULD M. LEMINE (Mauritania), said the situation in the occupied territories had continued to worsen. In its pursuit of brutal political repression, Israel continued to defy all international obligations. No human right could be respected under foreign military occupation. In order to reach its objectives, Israel relied on its powerful military for machinery repression. Since the beginning of the intifadah, thousands of Palestinians had been killed by the Israeli military forces.

Today, he said, all those who had witnessed the conditions in which the Palestinian deportees were living could not help but be shocked. The continuation of the Palestinian suffering and the total impunity enjoyed by Israel constituted a paradox which offended human dignity. That paradox was also the direct cause of a widespread feeling among Arabs and other peoples that United Nations resolutions were useless as far as Israel was concerned. The defiance of United Nations resolutions could not go on unabated forever. The credibility of the United Nations was at stake in that matter.

SATISH CHANDRA (India), said the peace process in the Middle East should be supported by the international community. The only hope was a just and lasting settlement of the Palestinian question that took into consideration the human rights of the Palestinians. The peace dialogue should continue. Violations of human rights in the occupied territories flowed from Israeli occupation. Palestinians needed a homeland. Establishment of Israeli settlements there were changing the region, and displacement of Palestinians violated their basic human rights.

India strongly supported the repatriation of deported Palestinians under Security Council resolutions already passed, he said. Citizens of all States in the region, including Palestine and Israel, had a right to live in peace within their own homelands. The United Nations should assume a role in the peace process. Palestinians should have a chance to live within their own nation, in freedom and with dignity.

NICOLAS MACRIS (Cyprus) said the endless list of gross violations of human rights in the occupied Arab territories, including Palestine, was an additional reminder of the fact that military occupation of territory led to a negation of human rights and fundamental freedoms. Severe repressive measures put future relations between the peoples of the region in grave danger. The grave breaches of the Fourth Geneva Convention; the continued colonization of those territories by the establishment of settlements and the transfer of thousands of settlers; the use of excessive force against demonstrators, including children; and the deprivation of the rights to a fair trial were but a few of the well known human rights issues.

No political or security considerations could be invoked to serve as a pretext for any policies and practices which constituted flagrant violations of the internationally accepted and protected standards of human rights, he continued. Practices perpetrated against the innocent civilian populations of the occupied Arab territories should cease at once, not just for humanitarian reasons but in order to establish a constructive environment for the successful outcome of the peace process.

Cyprus, he continued, was concerned by the fact that the peace process had achieved no tangible results up to now. He reiterated Cyprus's full support for the independence, sovereignty, territorial integrity and unity of Lebanon, and for the total withdrawal of all Israeli forces from that country's territory. In addition, United Nations resolutions demanding the withdrawal of Israel from the occupied Syrian Golan Heights should be implemented, he said, and the practices aiming at destroying their cultural and historical character as well as their Syrian Arab identity should cease.

THUN SARAY, of the International Federation of Human Rights, said he had long been a prisoner of conscience. He had spent 9 months in prison under the Khmer Rouge and 19 months under the subsequent Cambodian regime. The October 1991 Paris Accords contained provisions for the guarantee of human rights. However, thousands of Cambodians campaigning for human rights still needed the assistance of the International community. The situation was still extremely serious, despite efforts by the United Nations Transitional Authority in Cambodia (UNTAC) and non-governmental organizations. The cease-fire had been violated and human rights were being violated. Political violence against opposition was still widespread. Members of human rights organizations had been arrested or harassed. The situation needed to be closely monitored by the Commission. He called on the Commission to designate a Special Rapporteur and to open a permanent office of the Centre for Human Rights in Cambodia.

RENE WADLOW, of the International Fellowship of Reconciliation, said there were two questions of importance to the work of the Commission. The

first was how to decide who had a right to self-determination and the second was how to enforce more effectively humanitarian law in conflicts which arose over the right to self-determination. The situations in the former Yugoslavia, Nagorno-Karabakh, Abkhazia, and Sri Lanka highlighted the need for authoritative, mutually-respected bodies to which disputes on self-determination could be brought. Unless such a body was created, the concept of self-determination would develop into a pretext for all minorities to seek separation and independence through armed conflicts.

The international community should either expand the jurisdiction of the International Court of Justice or develop regional international courts or other decision-making bodies to which parties could turn to with confidence, he said. As questions of self-determination and autonomy were likely to increase in coming decades, judges on such courts would become indispensable.

The second related topic was the application of humanitarian law in times of conflict over the right to self-determination, he continued. In each of the four cases cited, there had been increasing violence, displacement of people, and economic blockades resulting in much suffering. The international community was duty-bound to find ways to separate the constitutional disputes from the question of humanitarian aid and relief. The Fellowship believed that the Commission had a role to play in making clearer the right of all people to their basic needs. As a first step, members should consider the adoption of a resolution requiring the free flow of humanitarian aid in the former Yugoslavia, Nagorno-Karabakh, Abkhazia and Sri Lanka.

Rights of Reply

Mr. CHANDRA (India), exercising his right of reply, said Pakistan had once again leveled groundless charges against India and had distracted the Commission from its proper business. The exercise by Jammu and Kashmir of the right to self-determination enjoyed overwhelming support in that region. The United Nations had recognized the fact of aggression against India in Kashmir. India had accepted the 1948 and 1949 resolutions of the United Nations in that regard. The plebiscite called for was dependent on the cessation of violence, which had not occurred. It was evident that Jammu and Kashmir had freely joined India by democratic processes. Pakistan, by contrast, continued to fund and organize terrorism in Kashmir.

Mr. HUSSAIN (Pakistan) asked whether the representative of India was trying to say that the United Nations was wrong to say that Jammu and Kashmir was a disputed territory. Did India claim that the international community should acquiesce to its occupation of Jammu and Kashmir? Should the Commission acquiesce to India's violation of the Charter and human rights norms? Why did India not allow a neutral team of human rights observers from the Commission to visit Jammu and Kashmir?

Mr. CHANDRA (India) said he wondered with what legitimacy Pakistan picked up a particular Security Council resolution to support its case, when it had flouted so many other resolutions. The last resolution called on both sides to refrain from making statements or committing any acts that might exacerbate

the situation. Pakistan continued to do that by aiding and abetting terrorism in India and Kashmir. For meaningful bilateral negotiations, Pakistan should prepare the ground by doing away with terrorism and by discontinuing its attempts to destabilize India.

Mr. HUSSAIN (Pakistan) said the Indian delegation was "trying to conceal the facts and duck the truth". An international fact-finding team could solve the questions which appeared to surround the issue.

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United Nations

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# COMMISSION ON HUMAN RIGHTS CONSIDERS RIGHT TO SELF-DETERMINATION AND HUMAN RIGHTS VIOLATIONS IN OCCUPIED ARAB TERRITORIES

## Israel Defends Policy in Occupied Territories

GENEVA, 4 February (UN Information Service) -- The Commission on Human Rights this morning debated the long-standing conflict in the Middle East. The observer for Israel stated that criticism of his country's policies by Arab nations had become an annual "ritual" before the Commission, while the observer for Palestine asserted that only full self-determination for the citizens of the occupied territories and the withdrawal of Israeli forces could offer any hope for lasting peace.

The Commission continued its consideration of the matter of self-determination, with a number of countries and non-governmental organizations citing alleged human rights abuses as justification for the creation of autonomous governments. Others described the issue as complex and claimed that overzealous application of the principle could lead to violence and chaos rather than prevent them.

Itzhak Lior, observer for Israel, said his country was the victim of "a political assault" from "a well-oiled coalition of Arab and Muslim States, all of them alien to the democratic principles and human rights standards so easily taken for granted in Geneva". Israeli control of the occupied territories was necessary, he said, to protect the country's very existence, and that while Israel was concerned with human rights, the country was often "compelled to resort to unpopular if unavoidable countermeasures" against members of terrorist groups operating in the territories. The current Middle East peace process was "a delicate flower", and Israel would do everything necessary to defend it from "the evil designs of those who would uproot it".

Nabil Ramlawi, observer for Palestine, said Israel had constantly flouted the Palestinians' right to self-determination. Scores of United Nations resolutions had been adopted since 1947 to protect the Palestinians, yet political violations by Israel continued unabated. Now that the United States was the sole major Power in the world, in the aftermath of the cold war, how could it continue to unfairly favour Israel, and how could it disregard the

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For information media--not an official record

International Human Rights Covenants it had signed? he asked. The goal of the Middle East peace negotiations begun in Madrid seemed to be to condone Israeli aggression and to deny self-determination. The Israelis had to date denied the Palestinians' right to self-determination and had failed to withdraw troops from the occupied territories. Should the situation persist, "blood will once again be shed, and it will continue, and it will once again be Israel and its allies who will bear the blame for this in the eyes of the world", he added.

Also addressing the Commission this morning were the representatives of the Czech Republic, Malaysia, Japan, Indonesia, Bangladesh, the Sudan, China, the United States, Libya and Tunisia. The observers for Oman and Yemen also spoke, as did representatives of the non-governmental organizations France Liberté Fondation Danielle Mitterrand and Centre Europe-Tiers Monde.

Statements Made

FREDERIQUE CALANDRA, of France Liberté Fondation Danielle Mitterrand, said the right to self-determination of the people of East Timor continued to be ignored by the Government of Indonesia, whose policy during the last 17 years had been nothing but genocide, including the disappearance of 40 per cent of the population, organized famines and forced integration. The Fondation called for the immediate withdrawal of Indonesian troops from the island and for an international arms embargo against Indonesia.

As for the Tibetans, she said they continued to be denied the right to self-determination by China, and Tibetans had been subject to arbitrary arrests, systematic torture and forced marginalization of their culture. In Western Sahara, there were repeated obstructions by Morocco to the peace plan that had been adopted, and to the proposed referendum, particularly involving the identification of eligible voters. There had been silence from the United Nations on the problems caused by Morocco, and the silence had damaged the Organization's credibility.

MALIK OZDEN, of Centre Europe-Tiers Monde, said the Kurds were victims of oppression in Iran, Iraq, Syria and Turkey. Those Governments had resorted to mass deportations, atrocities and forced assimilation of their Kurdish populations. During 1992, disturbances in Turkish Kurdistan had caused about 1,700 deaths. He deplored the lack of will on the part of the United Nations. Western Sahara was a problem of decolonization which required a referendum to end the last case of colonial rule in West Africa.

The situation in the occupied zones of Western Sahara, he continued, was also serious. Arrests and disappearances were continuing; the Saharan people were denied humanitarian assistance and were at the total mercy of the occupiers. It was unconscionable, therefore, that the international community should accord Morocco a post of responsibility during the World Conference on Human Rights (Vienna, 14-25 June). He called for a fact-finding mission to visit the occupied territory of Western Sahara to witness the secret tragedy occurring in the presence of a silent United Nations.

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ZDENEK VENERA (Czech Republic) said that although the right to self-determination was well established when the struggle for independence of peoples under colonial domination was at stake, the scope of its application was not sufficiently clear in relation to constituted national or multinational independent States, once that right had been previously exercised. Recent experience showed that the unlimited and abstract application of that right, when not in balance with all other norms of international law, could result in chaos and enormous human suffering. The main purpose of realizing the right to self-determination should be the creation of conditions for the free economic, social and cultural development of a given entity. A people had the right to separate from an original State entity when discriminated against by other groups.

The principle of self-determination suffered from another important ambiguity -- the definition of the concept of "the people", he said. Various interpretations of the term presented very complex problems in practice. The Czech Republic would therefore welcome any initiative for a serious study to clarify those issues.

MUSA HITAM (Malaysia) said that for years his country had been calling for international pressure and action to get the Israeli Government to abide by the relevant United Nations resolutions and the 1949 Fourth Geneva Convention on the treatment of civilian populations under occupation. The Israeli authorities had been using the pretext of security for putting down a legitimate Palestinian uprising and for committing one of the most cruel repressions in contemporary history. The situation had been exacerbated, according to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, by the increasing use of undercover agents and the relaxation of open-fire regulations.

At the very least, he said, the Israelis should not be allowed to continue using the peace process as a cover for their inhumane repression of Palestinians in the occupied territories. Since Israel for years had been enjoying the protection of a certain prominent member of the Security Council, its leaders seemed oblivious of the dramatic changes taking place around the world and they continued to behave as if Israel were somehow above the law.

Malaysia and other member countries of the Organization of the Islamic Conference fully supported the current move by the Arab Group to introduce a Chapter VII draft resolution before the Security Council. The Council should not accede to any partial solution offered by Israel. The Commission, which had for years seen its recommendations ignored by the Israeli authorities, should give its full support to the Secretary-General's report and to the full implementation of Security Council resolution 799 (1992). The Commission should not allow its attention on the question of the human rights of the Palestinians to be diverted and to be confused by the excuse that the Middle East peace process was ongoing. Israel should be told in no uncertain terms that it should comply fully with the provisions of resolution 799, and that as an occupying Power, it was obliged to fulfil its obligations under the 1949 Fourth Geneva Convention.

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TETSUO ITO (Japan) said the question of violations of human rights in the occupied Arab territories, including Palestine, was of particularly crucial importance because the search for peace in the Middle East was now at a historical turning-point. Japan was committed to that process, which could bring about a truly comprehensive peace in the region. In order to achieve the ultimate goal of a just, lasting and comprehensive peace in the Middle East, Security Council resolutions 242 (1967) and 338 (1973) should be fully implemented.

Israel as the occupying Power, was responsible for protecting the life and human rights of the civilian population in the occupied territories, and should comply fully and unconditionally with the Fourth Geneva Convention, he said. The recent deportation of Palestinians ran counter to the struggle to promote the peace process. Such a measure infringed upon international law relevant to the treatment of the civilian population in occupied territories, and was contrary to humanitarian principles. He called for the return of all those deported. All parties concerned should make greater efforts towards that end.

He said that Japan, committed to promoting the welfare of all the people in the region, including Palestinians, had rendered full assistance to projects for improving the health and other conditions of the distressed people in the occupied lands. Its total contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) amounted to $227 million since 1953, including $17 million for 1992.

RAHARDJO JAMTOMO (Indonesia) said the debate on the violation of human rights in the occupied Arab territories coincided with over 25 years of occupation of Palestinian and other Arab lands by Israel. During that period, the occupying Power had controlled every aspect of Palestinian life. The civilian population was subjected to the unlawful use of lethal force, disruption of normal life and activities, restriction of movement, destruction of dwellings, imprisonment and incarceration of political detainees and civilians without trial, not to mention other violations of human rights and universally accepted norms of international law and conventions.

Despite the many efforts made towards finding a just and comprehensive settlement of the Arab-Israeli conflict, Israel's persistent negative stance had meant that no substantive progress had been achieved, he said. On the contrary, Israel continued to intensify its policy of repression against the Palestinian people, resulting in many deaths, while at the same time it persisted in its policy of expansion through demographic, cultural and social changes.

The deportation to Lebanon of 415 Palestinian civilians, carried out by the Government of Israel on 17 December 1992, constituted yet another glaring evidence of Israel's brazen violation of pertinent United Nations resolutions and international law, he continued. Indonesia agreed with the Secretary-General that the Security Council should take whatever measures were required to ensure that its unanimous decision was respected. Although the past year would go down in history as one which had seen some significant

initiatives towards a negotiated settlement of the Arab-Israeli conflict, there was a deepening sense of frustration. Israel's refusal to implement Security Council resolution 242, which envisioned land for peace, as well as its intention to legitimize continued control of the occupied territories, had contributed to a virtual stalemate.

He went on to say that at the Tenth Summit of the Movement of Non-Aligned Countries, held in Jakarta in September 1992, those countries had reiterated their position concerning the need for a just and comprehensive settlement which would guarantee to the Palestinians the enjoyment of their inalienable rights. The Movement had also emphasized that any comprehensive, just and lasting settlement could not address some of the causes of the conflict to the exclusion of others, and that peace could not prevail in the region if it did not include the Palestinians, whose cause was at the heart of the conflict.

IFTIKHARUL KARIM (Bangladesh) said that in spite of universal condemnation of gross and persistent violations of fundamental human rights, the Israeli occupation authorities continued to wilfully disregard General Assembly and Security Council resolutions, ignore international opinion and flaunt the norms that lay at the heart of the principles embodied in the Universal Declaration of Human Rights and the United Nations Charter. The catalogue of the inhumanity of the Israeli occupation authorities against the Palestinian people struggling to recover their just and inalienable rights included arbitrary arrests, beatings, detentions without trial, collective punishment, mass reprisals, expropriation of land and property, imposition of unrelenting curfews, restrictive economic measures, and indiscriminate and excessive use of force. The mass deportation of the Palestinians on 17 December 1992 was the latest in a procession of repressive Israeli practices.

The prospects of the peace process that began in Madrid had been damaged considerably by the expulsion and Israel's continued refusal to implement Security Council resolution 799, he went on. An unrealistic emphasis on the linkage between progress of the negotiations and the human rights situation in the occupied territories could not be permitted to detract the Commission from condemning the deteriorating human rights situation of the Palestinian people in the occupied territories. The peace process could not be used as a façade to cloak the gross violations that were acts of deliberate policy of an occupying Power, designed to break the will of a people whose territory had been occupied. The Commission should insist on the adherence of the occupying Power to international norms and basic and fundamental human rights. Israel must withdraw from all occupied territories, and the ultimate objective of the international community must remain unaltered in that respect.

MAHDI IBRAHIM (Sudan) said the report of the Special Committee on the situation in the occupied territories, and reports of such organizations as Amnesty International, showed grave violations of human rights and of the Geneva Conventions. Expulsions and destruction of homes had become a well-known, calculated tactic of the Israelis who were trying to deceive the world by allowing the return of only some of the 400 Palestinians recently deported. Certain members of the Security Council persisted in protecting

Israel as it defied international outrage, human rights conventions and United Nations resolutions. The Sudan decried the use of such double standards by the international community, which set a bad precedent and damaged the peace process.

The Security Council must impose its resolutions on Israel, if it was to retain any credibility and Israel must respect its commitments under human rights covenants and withdraw from the occupied territories. Resolutions of the Security Council and of the Commission on Human Rights concerning the occupied territories should be distributed to the Israeli Government. Emergency sessions of the Commission should be held to deal with the issue, should Israel continue to defy those resolutions.

JIN YONGJIAN (China) said that for many years, through the sustained efforts of many Member States, positive changes had taken place in some regions concerning the massive and gross violations of human rights resulting from colonialism, racism, racial discrimination, apartheid, foreign aggression and occupation. Despite the great efforts made by the international community, however, the right of the Palestinian people to self-determination had not been realized and the occupied territories of the Arab countries had not been returned.

When Israel expelled more than 400 Palestinians last December, he said, that measure had violated international law and relevant United Nations resolutions, and had exacerbated the miseries of the Palestinian people while aggravating the tension in the region. Israel should stop such deportations immediately and allow all the deportees to return. The basic human rights of the deportees should be guaranteed. A political settlement of the Middle East question, including that of Palestine, must be sought on the basis of United Nations resolutions. Pending the final settlement of the issue, the international community, as well as the Commission, must continue to urge Israel to implement the Fourth Geneva Convention of August 1949 and guarantee the human rights and fundamental freedoms of the Palestinian people in the occupied territories, thus creating a favourable atmosphere for a political settlement of the issue.

KENNETH BLACKWELL (United States) said his country remained deeply concerned about the deaths and destruction wrought in the decades of the Arab-Israeli dispute. The United States was opposed to violence and to the inflammatory rhetoric which engendered violence. That was why it had consistently tried to find a peaceful solution to the dispute. There was now a real opportunity to extend the peace reached by Egypt and Israel in 1979 and which had held for almost 14 years. For the sake of the human beings on both sides of the dividing line, for Israelis, Palestinians and all the others directly affected, for the sake of the children suffering under current conditions of violence and for the sake of those still unborn, the United States asked that the Commission and all international organizations support the peace process, and avoid activities which exacerbated existing problems.

The United States had repeatedly made it clear that it considered Israel's occupation to be governed by The Hague Regulations of 1907 and the

Fourth Geneva Convention, he said. While concerned by the human rights situation in the territories, including acts of excessive force on the part of Israeli authorities and acts of violence stemming from the civilian population, it did not share many of the exaggerated assertions which had been made before the Commission. It was pleased by the progress made in recent months in the amelioration of some occupation practices.

MOHAMED EL FAKIH SALEH (Libya) said Israel's decision to deport 400 Palestinians had had a serious impact on world public opinion and conscience. The deportations ignored human rights norms and standards. However, the other human rights crimes committed by the occupying Zionist authorities must not be forgotten. Those practices were ongoing and had been condemned repeatedly by the international community whose opinion Israel continued to ignore.

He said that Security Council resolution 799 must be respected and implemented, and Israel must recognize the Fourth Geneva Convention. The Palestinians must be accorded the right to self-determination. In the meantime, it would be appropriate that the Commission appoint a special rapporteur to investigate the human rights situation in the occupied territories. He asked whether Israel's act of expulsion was only against a group of Islamic extremists or whether it was a deliberate attempt to harm the peace process and change the demographic structure of the occupied territories.

MONCEF BAATI (Tunisia) said that while the rest of the world was making progress in human rights, the Palestinian people continued to be deprived of the most basic rights and privileges. Self-determination was vital for the Palestinians; it was the only way to end Israeli abuses. The Commission and the international community must demand an end to Israeli arrests, expulsions and murders in the occupied territories. Those outrages were unprecedented.

Israel had adopted a policy of human rights violations -- a method and a technique for repression. Expulsions were punishable under international law. Why were United Nations resolutions and the Fourth Geneva Convention not enforced? Arab nations had respect for international law; at a recent meeting, they had called for relief for the Palestinians and for the application of international law to them.

ITZHAK LIOR, observer for Israel, said that joined in a political assault against Israel was a well-oiled coalition of Arab and Muslim States, all of them alien to the democratic principles and human rights standards so easily taken for granted in Geneva. Human rights problems in Israel were the result of a generation-long war of attrition imposed by the Arab States, be it through open military warfare or through a protracted campaign of terrorism. From Israel's point of view, it was this unrelenting struggle for its very existence which often compelled it to resort to unpopular if unavoidable countermeasures. Those territories did not fall into Israel's hands during a Sunday afternoon stroll. In June 1967, Israel was unsuccessfully attacked for yet a third time in its history by a coalition of Arab States. The PLO, qualified sometimes as a quasi-moderate organization, was founded in 1964, before the Six-Day War, that is, before the territories even came under

Israeli administration. The PLO ideology, enshrined in its Charter, did not focus on fighting for self-determination but on the elimination of Israel. A resolution that many Arabs and other good souls preferred to forget -- the partition resolution giving birth to a Jewish state and an Arab state, next to each other -- was rejected out of hand by the Arab leadership, first and foremost the Palestinian, because it granted legitimacy to the re-establishment of a Jewish State -- a tiny parcel of ancient land in a sea of Arabism. The Arabs vowed then to wipe Israel from the face of the earth.

The exclusion orders against Hamas operatives for a limited duration were not a particularly drastic measure, taking into account the gravity of the offence, he said. In distancing them from potential new victims, with all their legal rights intact, including appeal to the Supreme Court, the Israeli Government was doing no more than trying to safeguard the lives of all those under its protection. Indeed, it seemed that in the eyes of the Commission, the practice of terrorism was not considered a violation of human rights; it was its victims who stood arraigned in the dock. The current peace process was a delicate flower. Israel would use all available legal means to combat terrorist organizations while doing all it could to promote mutual comprehension and peace with those in the Arab world who were ready to reciprocate.

NABIL RAMLAW, observer for Palestine, said the Palestinian people had a crying need for self-determination. Israel had deprived Palestinians of that right. It constantly flouted that right. Neither a legal exposé nor a historical review was required of the distressing situation. International law and human rights covenants were well known, and everyone knew of the situation in occupied Palestine. Scores of United Nations resolutions had been adopted since 1947 to protect the Palestinians, yet political violations by Israel went on and on. Israel owed Palestine national legitimacy, and so did the international community. The United States was one of the nations that had agreed to the creation of Palestine as an independent state, side by side with a Jewish state. How then could the United States thereafter raise obstacles to an independent Palestine? Now that the United States was the sole major Power in the world, following the end of the cold war, how could it continue to unfairly favour Israel, and how could it disregard the International Human Rights Covenants it had signed? The United States had made the Palestinian people a victim on behalf of Israel.

The peace negotiations begun in Madrid had been isolated from the United Nations and seemed to have no basis in international law, he said. The goal of the negotiations seemed to be to affirm Israeli aggression and to deny self-determination. The Israelis had to date refused to grant self-determination to Palestinians, or to withdraw their troops from the occupied territories. If the situation did not change, blood would once again be shed and would continue, and it would once again be Israel and its allies who would bear the blame in the eyes of the world.

ABDULLAH M. AL-FARSY, observer for Oman, said the international community had high hopes that 1993 could be crowned by the success of the Arab-Israeli peace talks. However, Israel appeared to let no opportunity slip to violate

international norms, as evidenced by the recent deportation of Palestinians. Deportations were in violation of the Fourth Geneva Convention, and the incident violated the sovereignty of a neighbouring State.

The United Nations had been seized of the deportation incident from the start, and its reports were eloquent, he went on. Israel must implement the decisions of the United Nations and immediately and unconditionally withdraw from occupied Arab territories. Peace and security were being denied to the peoples of the Middle East. Something must be done against those who flouted international law with impunity.

YAHYA H. GEGHMAN (Yemen) paid tribute to the Special Committee that had investigated the situation in the occupied Palestinian territories. There was no parallel in modern history to the human rights abuses there, he said. Until Palestinians could exercise their God-given right to self-determination, there would be no solution to the tragedy. The European conscience, which Yemen believed was awake, should participate in applying international pressure on Israel. The century was coming to a close, yet the problem of Palestine remained. Had it not been for the European hatred of the Jews, they would not have left Europe for Israel, and the people of Palestine would have been spared this curse.

The Palestinian people were not responsible for the crimes perpetrated by Europe, and yet they suffered the consequences, he said. Europe wanted to forget or to rewrite the history of the gas chambers. It was Europe's responsibility to take up the cause of the Palestinians, instead of making their treasuries and arsenals available to the Israelis. The Commission must adopt resolutions commensurate with the crimes committed by Israel against Palestine.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/405
16 February 1993

COMMISSION ON HUMAN RIGHTS ADDRESSED BY SWEDISH FOREIGN MINISTER, FRENCH MINISTER FOR HUMAN RIGHTS

Delayed in transmission.)

GENEVA, 4 February (UN Information Service) -- Information technology had made international issues part of the contemporary daily debate in almost every country in the world, the Swedish Minister for Foreign Affairs, Margaretha af Ugglas, told the Commission on Human Rights this afternoon. However, she added, serious developments which did not achieve headline status quickly enough should not be neglected, especially the horrible aspects of the violence in the former Yugoslavia. She called for those abhorrent crimes to cease.

It was hard to imagine that rape, and other abuses, could be conceived of by those who carried them out, as instruments of political conquest, the French Minister in charge of Human Rights told the Commission. He said the Commission should focus on the African continent. There had been movements there in terms of human rights, but in the wrong direction. He called upon the Commission to set up a new mechanism to protect media professionals who were often the first victims of oppression.

In its continuing debate on human rights violations in the occupied Arab territories and the right to self-determination, the Commission also heard statements by the representatives of Finland (on behalf of the Nordic countries), Turkey, Russian Federation and Austria. The observer for the Organization of the Islamic Conference also participated.

Speaking in exercise of the right of reply were Libya and Algeria, and the observers for Palestine and the League of Arab States.

Statements Made

GEORGES KIEJMAN, Minister in charge of Human Rights of France, said tragic events, notably in Europe, justified an address that was grave in tone. It was necessary first of all to focus on the situation in the former Yugoslavia. Negotiations at the Palais had sought to end the civil war and to

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For information media--not an official record

protect civilians from gross abuses. But the talks had not succeeded, and the war had brought with it torture, rape and humiliation. It was hard to imagine that such abuses, especially rape, could be conceived of by those who inflicted them as instruments of political conquest, or that such heinous policies as "ethnic cleansing" should continue to be carried out despite international indignation.

It was necessary to close immediately the detention camps and to send a team of observers from the Centre for Human Rights, he continued. It was especially necessary to hold accountable those responsible for those abuses. In France, a group of lawyers had been charged with establishing an international penal tribunal, the intention being to look into the findings of the Special Rapporteur and of the Commission on war crimes created by Security Council resolution 780 (1992).

Disturbing human rights situations also existed throughout the world, he went on to say. It was necessary to maintain vigilance over the plight of Palestinians banished from the occupied territories -- a situation that should not be allowed to last any longer. The European Community had stated as much on 2 February, and that position remained firm. The Commission should similarly focus on the African continent; there were movements there in the area of human rights, but, unfortunately, they were, in some cases, movements in the wrong direction -- backward. That appeared to be true in the Sudan, in Zaire and in Togo. As for South Africa it should be reminded that further effective progress was necessary, or disenchantment would set in. In Latin America, despite useful intervention by the United Nations, the democratically elected Government of Haiti had not been restored to power. Although it sometimes raised controversy, for France the intervention of the United Nations for purposes of human rights had never had any objectives other than peace and the protection of threatened citizens; it was necessary to remember that troops wearing the blue helmets had died for that cause.

The Commission's purpose and methods should be reviewed, he said. France considered it worthwhile to designate an official who would have moral authority to assist all States experiencing social and economic difficulties, or with old or festering internal problems that menaced citizens. France had experience in that area; it had adopted legislation to redress incidents of racial hatred, and each year a report on racism and xenophobia was made public. France was ready to cooperate with any rapporteur given such responsibilities by the Commission on Human Rights. The Commission must also offer, under a new mechanism, particular protection to media professionals who often were the first victims of oppression. It was similarly necessary for the Commission to focus on the topics of scientific ethics and human rights, and on the rights of children.

MARGARETHA AF UGGLAS, Minister for Foreign Affairs of Sweden, said it had become an international norm that all States had the right to deal with violations of human rights wherever they occurred. Recently, the Security Council had contributed to the development of international law in that respect, on the basis of the Charter. The current debate on intervention for humanitarian reasons showed that such actions should be undertaken with great

care and should enjoy wide support from the international community. One reason why international concern no longer stopped at national borders was the revolution in the field of information technology.

Through television and radio, she continued, starvation in Africa, refugees in Asia or the war in former Yugoslavia could be followed almost at the same time as the events themselves. That created pressure on today's political leaders -- a pressure for action that did not exist in the past. It made international issues part of the daily debate in almost every country. That development, in turn, confirmed the importance of a free flow of information within and over national borders. It had a special importance for those who lived under regimes which practised censorship. Freedom of speech and expression was one of the strongest allies of the oppressed, the persecuted and the suffering in different parts of the world. However, the media, not least television, did not have all-seeing eyes. Serious developments which did not achieve headline status quickly enough should not be neglected.

Regional organizations should shoulder greater responsibility to promote respect for human rights in the future, she went on to say. Usually, those organizations had close and broad relations with all member Governments and considerable knowledge about local circumstances. The universal applicability of human rights should not in any way be undermined in that process.

The Conference on Security and Cooperation in Europe (CSCE) played a crucial role in promoting human rights standards within a broader geographical context, she stated. One recent CSCE initiative was the appointment of a High Commissioner on National Minorities whose task would be to initiate action by CSCE members when an ethnic problem could lead to confrontation and human rights abuses. The aim was to take preventive action in order to avoid such developments -- not merely to react when the situation had already started to get out of control. Regrettably, massive violations of human rights were being committed within the CSCE area today, with the former Yugoslavia being the worst case. Ethnic cleansing and other manifestations of tribal violence had once again become commonplace in a part of Europe. One especially horrible aspect was the acts of violence committed against women and children. Numerous reports had described how rape had been regularly employed as a method of oppression. Those abhorrent crimes should be stopped.

Economic and social development had been considered sometimes connected to human rights in a way that made criticism directed at poor countries seem unfair and illegitimate, she said. That should not be the case. There was no reason why oppression, dictatorship or censorship should be more acceptable in developing countries than elsewhere. In fact, respect for human rights promoted economic and social development. Promotion of human rights and democracy also constituted an important support to development cooperation programmes designed to strengthen social and economic possibilities for poor people.

The human rights programme of the United Nations was most important, she said. After many years of successful standard-setting, the focus should now

be on the implementation of those standards. Sweden hoped the World Conference on Human Rights, scheduled to take place in Vienna in June, would further contribute to strengthening that programme and the implementation of human rights standards by Governments worldwide. Differences of opinion about priorities should not be allowed to block the progress that could be achieved in Vienna. Today's world was one in which the possibilities of improving human rights were better than ever before. No time should be lost to make use of the new opportunities.

HANNU HALINEN (Finland), speaking on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) said the Nordic Governments fully supported the Middle East peace process as the best means for reaching a just, comprehensive and lasting peace in the region. The peace process was at a critical stage. The parties involved should therefore refrain, more than ever, from any measures which might undermine the peace process. The Nordic Foreign Ministers also emphasized their strong repudiation of all forms of violence and terror, irrespective of which party was responsible. The Nordic countries condemned the recent decision by the Israeli Government to deport more than 400 Palestinians from the occupied territories. Although Israel needed to protect and defend its citizens, the decision was not merely unacceptable from a humanitarian point of view and under international law, it also risked blocking the peace process.

The Nordic countries urged the Israeli Government to improve the human rights situation in the occupied territories. That, he said, would be an important confidence-building measure that could improve the prospects of progress in the peace process. A lot of work was needed to create a sense of mutual confidence and respect between different parties. In that context, acceptance of the de jure applicability to the occupied territories of the Fourth Geneva Convention by Israel was imperative.

NANGUYALAI S. TARZI, of the Organization of the Islamic Conference, said the Palestinian people had persistently been prevented from enjoying their inalienable rights, in particular their right to self-determination. There was total disregard of legal norms and procedure at every level in the occupied Arab territories, resulting in the violation of the most fundamental international legal standards and norms of justice. Faced with such measures, the Palestinians had no alternative but to continue with the intifadah in their quest for freedom. The struggle was bound to intensify as the repressive measures increased. The opening of the Madrid peace conference in October 1991 had constituted a landmark that generated great hopes among all peace-loving people. But the recent decision by Israel to expel more than 400 Palestinian citizens from their homes and to throw them into the wilderness, demonstrated once again that it was not in favour of peace. The international community must pressure Israel to bring back the Palestinians and to end its oppressive practices. The decision authorizing the return of only 100 deportees and maintaining 300 other Palestinian citizens in enforced exile reflected the persistent will of the Israeli Government to defy the international community. The Islamic Conference blessed the Palestinian intifadah in the occupied Palestinian territories and expressed its full solidarity and support to the Palestinian people. He said the organization,

at its summit and ministerial-level conference, had also condemned the massive violation of the human rights of the Kashmiri people.

AYDIN SEZGIN (Turkey) said his country was greatly disturbed and distressed by the illegal deportation of 415 Palestinians from the occupied territories. Israel should fulfil its responsibilities with respect to the treatment of Palestinians in the territories under its occupation and should stop human rights violations and other pressures upon them. Recent developments did not raise much hope concerning the improvement of the Palestinian plight in the occupied territories, despite optimistic expectations. The policy of establishing Israeli settlements, which had been declared illegal, was still pursued, although at a lower rate of construction of new units. Israeli security forces continued to resort frequently to the excessive use of force. Collective punishment of the civilian population and restriction of movement were practices which had negative effects on the economic and social situation of the population. Even the operations of United Nations relief agencies were impeded. Turkey urged once again that the Israeli Government refrain from those acts in order not to endanger the negotiating process. It believed that the key to a just, lasting and comprehensive settlement to the Middle East question required the recognition of the inalienable rights of the Palestinian people.

S.K. KOVALEV (Russian Federation) said that last year there had been promising signs of peace and hope in the Middle East. Certain breakthroughs had occurred, but the decision by Israel to deport 400 Palestinians had complicated matters. Whatever the motivations had been for that act, the deportations were illegal. The international community's actions should bring about the required results. In addition, many other acts of human rights violations against the Palestinian population persisted in the occupied Arab territories. The growth of extremism in the Middle East was indeed a worrying phenomenon, however, especially when the group in question was determined to carry out an ideology of terrorism in furtherance of its goals. That factor was particularly crucial, given the current efforts to promote the Middle East peace process.

The barrier of enmity had existed for many years, he continued; any prospects for a peace agreement had to be followed up. Violence led only to further violence. Proof of that was to be found in the former republics of the Soviet Union. The only way to achieve peace in the Middle East was to successfully conclude the peace process begun at Madrid. With understanding and flexibility, solutions could be found, or at least a firm basis could be found on which a solution could be based. Such an agreement would protect the rights of all peoples in the Middle East. Without the elaboration of accurate criteria on the right to self-determination, conflicting situations would continue to occur. The rights of individuals should not be allowed to overcome those of the group. Violence used to advance self-determination was unacceptable.

FELIX ERMACORA (Austria) said international legal instruments did not provide any clear definitions of self-determination; they did not specify the beneficiaries or the situations in which self-determination could be invoked,

nor did they contain rules about the application of procedures. Because attempts to find appropriate definitions had not led to generally acceptable results, situations had to be dealt with on a case-by-case basis. That was particularly true for the difficult distinction between peoples on the one hand, and national, ethnic religious or linguistic minorities on the other. Austria was therefore pleased to be able to participate in an informal meeting of experts to discuss such questions, to be hosted by the Government of Liechtenstein in March.

There were other examples where the claim of a people to self-determination had not been answered in a satisfactory way, he said, referring to the Palestinian people. Austria hoped that the means of implementing their full rights could be agreed upon by negotiations in the near future. He believed that enjoyment of the right to self-determination was based on the establishment of an internal order -- good governance, respect for human rights and fundamental freedoms, and political accountability in order to allow the whole people of a country, without distinction whatsoever, to participate in the decision-making process.

Austria was ready to contribute to the United Nations operation being prepared to support the popular consultation on the future of Eritrea, he said. His country also concurred with the proposals and recommendations relating to the appointment of a special rapporteur and the establishment of an operational presence for the Centre for Human Rights in Cambodia.

Rights of Reply

M. EL FAKIH SALEH (Libya), speaking in exercise of the right of reply, said the statement by Israel did not touch upon the subject under discussion -- the violation of rights in the occupied territories. The Israeli delegate threw up smoke and acted as if everyone should applaud what had been done under the occupation. Israel was a democracy of shooting and killing, of the breaking of bones, of expulsions, of the destruction of homes. Through an acrobatic manoeuvre, the Israeli speaker had tried to transform the issue and made it appear as if it were the fault of Palestinians. Rather, Palestinians were victims of oppression, and the intifadah was heroic. Israel should stop its repression, which pushed Palestinians to such extremes of resistance.

NABIL RAMLAWI, observer for Palestine, said Israel had falsified facts and resorted to lies and deceit in its statement this morning. The occupied Palestinian territories should not be referred to as "Judea and Samaria" as the Israeli representative had done this morning. That representative, in referring to the 1947 Partition resolution, had failed to mention that Israeli gangs had then occupied territories beyond those foreseen by the resolution. Israel currently occupied all of Palestine, and that was precisely the problem. Israel had to immediately withdraw from those territories. The Israeli representative had offered myths to misguide the Commission.

DELHAMID SEMICHI (Algeria) said the statement by the Zionist entity included attacks against several countries, including Algeria, which it said had just condemned 19 fundamentalists to death, and that in contrast to

Algeria, Israel did not impose the death penalty. That was a fine diversionary manoeuvre. The problem was not Algeria, but Israel itself. To resolve the problems of the occupied territories, Israel must look to itself and negotiate with the Palestine Liberation Organization (PLO), the sole legitimate representative of the Palestinian people.

The observer for the League of Arab States said Israel's statement was a violation of human rights because it attacked Muslims and Arabs. Israel should protect Palestinians from Israeli Jewish extremism. Israel was not the meek little State it sought to portray. The Commission's resolutions on the matter had been adopted by a clear majority of States in all cases. Israel had confused necessary national resistance with terrorism. All the relevant United Nations resolutions must be respected.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/406
17 February 1993

# COMMISSION ON HUMAN RIGHTS DISCUSSES VIOLATIONS OF RIGHTS IN OCCUPIED ARAB TERRITORIES

(Delayed in transmission.)

GENEVA, 5 February (UN Information Service) -- The United Nations must shoulder its responsibility to provide adequate protection to Palestinians in the occupied territories, speakers this morning told the Commission on Human Rights as it continued its debate on human rights violations in the occupied Arab territories. Calling on Israel to respect the Fourth Geneva Convention and to implement Security Council resolutions, calling for the immediate return of deported Palestinians, they said the United Nations must not exhibit a double standard in enforcing the implementation of its resolutions. Speakers also called for a special rapporteur to be appointed to investigate the human rights situation in the occupied Arab territories.

The Commission also continued its discussion of the right to self-determination. The representative of Sri Lanka said the automatic moral and legal support historically granted to claims for self-determination needed careful rethinking in the light of current realities. An exaggerated justification of that principle could be a threat to international peace and security and could undermine the very purpose of the United Nations.

The representative of Pakistan said the continuing conflict in Bosnia and Herzegovina was a matter for great concern. "Ethnic cleansing" was simply a euphemism for the genocide of Bosnian Muslims. He condemned the apathy of the international community concerning the plight of the Bosnian Muslims and called for a selective lifting of the arms embargo against the former Yugoslavia to allow the people of Bosnia and Herzegovina to exercise their right to self-defence.

Taking part in this morning's debate were the representatives of Cuba, Sri Lanka, Viet Nam and Iran. Also addressing the Commission were the following non-governmental organizations: Arab Lawyers Union, Arab Organization of Human Rights, Anglican Consultative Council, World Organization against Torture, Women's International League for Peace and Freedom, World Young Women's Christian Association, World Federation of Trade

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For information media—not an official record

Unions, World Confederation of Labour, Latin American Federation of Associations of Relatives of Disappeared Detainees and the World Muslim Congress.

Statements Made

MIGUEL ALFONSO MARTINEZ (Cuba) said his delegation was participating in the debate on the situation of human rights in the occupied territories with a mixture of horror and frustration. Last year the Commission had adopted four resolutions on the issue. Those resolutions had reflected the opinion of the majority of the members of the Commission. Yet, the military occupation continued and remained the root cause of violations of human rights in the occupied territories. The accusations of torture and ill-treatment of detainees in prisons and detention centres, such as the Ansar 3 camp, was a particular cause for concern. So was the destruction of Palestinian homes and belongings, establishment of Israeli colonies in the occupied territories, the repression of the intifadah resulting in arbitrary detention and killings. The hesitation of the Security Council to impose sanctions against Israel following the deportation of over 400 Palestinians to southern Lebanon was incomprehensible, he said. Such double standards were not new. He recalled that the Commission, too, had not been able to hold an extraordinary session last June to discuss the situation in the occupied territories. The double standards undermined the credibility of the Organization, he said.

RAJI SOURANI, of the Arab Lawyers Union, said the Israeli occupation of the West Bank including East Jerusalem, and the Gaza Strip, was a denial of the fundamental human right to self-determination of the Palestinian people. It constituted a systematic violation of human rights that had been repeatedly condemned by the Security Council and the General Assembly. Unfortunately, those condemnations and resolutions were rendered ineffectual because they were not enforced. Despite the hope of the international community that the change in government in Israel would bring about an improvement in the human rights situation, in fact the opposite had been the case. There had been a dramatic increase recently in the number of deaths and injuries caused by Israeli security forces in the Gaza Strip. The security forces response to civilian disturbances violated minimum international standards regarding the use of force. They frequently engaged in indiscriminate and excessive use of live ammunition against demonstrators without first attempting less forceful means.

The recent decision of the Israeli High Court of Justice in Jerusalem to uphold the validity of the Government's decision to deport 415 Palestinians marked yet another time that public international law was flagrantly violated by Israel, he said. The importance of enforcing Security Council resolutions calling for a return of the deportees could not be overstated, he said; the credibility of the United Nations was at stake.

In the absence of a political solution, he went on, the Palestinians were in dire need of protective measures, he said. In order to provide international protection for Palestinian civilians, the parties to the Fourth Geneva Convention must ensure that Israel, the occupying Power, respected its

obligations under that Convention. The Secretary-General should send human rights monitors to the occupied Palestinian territories. Security Council resolution 799 (1992), which called for the immediate return of the deportees, should be fully implemented and the Security Council should see to it that another resolution by which it requested the Secretary-General to report every four months on the situation of Palestinian civilians living under occupation, be also implemented.

MAHMOUD SALAMAT, of the Arab Organization for Human Rights, said human rights abuses by the Israeli security forces had escalated in the last five years. Israel's policy had the approval of the Israeli judiciary which allowed, and even encouraged, grave breaches of the Fourth Geneva Convention. War crimes were legal under Israeli military law, he said. There had also been no change in policy despite the change in government in 1992. Instead new and more aggressive policies were being pursued such as mass expulsions, the use of field artillery against residential areas, executions and torture and deteriorating conditions of detention. Palestinians in the occupied territories lived in an atmosphere of constant terror and risked reprisals when they sought protection. He provided details on recent cases of killings by the Israeli security forces and said Israel's refusal to carry out any investigations had led to a reign of terror carried out by the security forces. He urged the Security Council to take appropriate measures to ensure the protection of the Palestinian people and called for the appointment of a special rapporteur on the occupied territories.

WILLIAM L. WIPFLER, of the Anglican Consultative Council, said the deportation of 415 Palestinians from the occupied territories last December violated the rights of the deportees and also the sovereignty of Lebanon. The latest deportations increased the number of Palestinians deported since 1967 to over 4,000 persons. The Israeli Government had systematically engaged in the violation of international law and fundamental rights and the recent deportation was unique only in the size of the group deported at one time. Unfortunately, the threat of possible sanctions had not moved the Israeli Government. Israel's Prime Minister was convinced that Israel could disregard such a threat, and that it could ignore the demands of the world community expressed through Security Council resolutions.

The Anglican Consultative Council, he said, had declared its unconditional support for the right of the State of Israel to exist. Nevertheless, such recognition could not ignore the serious violations of the rights of the Palestinian people that had been committed by Israel over decades, including the violation and their right to self-determination.

KATHARINE MANN, of the World Organization Against Torture, condemned the recent deportation of 415 Palestinians. Severe repression and human rights violations had become a fact of life in the occupied territories. More than 1,400 Palestinians had been killed since the beginning of the intifadah. Her organization was particularly concerned by the conditions of the detainees in the occupied territories. Numerous reports suggested that thousands of Palestinians had been detained on charges of "terrorist involvement". An estimated 14,000 administrative detention orders had been issued since the

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beginning of the intifadah. Describing the conditions of detention she said they constituted a form of ill-treatment and torture. Cells were small and overcrowded, prisoners were often denied access to families and lawyers, and beatings, electric shock treatments and use of physical and psychological pressure occurred regularly. She called on the Commission to urge the United Nations Security Council to take effective measures against Israel, and urged the Israeli authorities to repatriate the Palestinian deportees.

BARBARA LOCHBIHLER, of the Women's International League for Peace and Freedom, highlighted a few of the many human rights violations in the Palestinian occupied territories. The confiscation of land, the building of settlements and the uprooting of the Palestinian people from their homeland were some of the repressive measures conducted over the 25-year Israeli military occupation of the West Bank and the Gaza Strip. Those policies had left thousands of people landless, homeless and stateless. Of the many human rights violations occurring in the occupied Palestinian territories, the questions of land and of residence were the fundamental issues facing the Palestinian population of the occupied territories. As in most conflicts, women and children were the ones most affected. Thousands of families had been affected by the denial of family reunification.

The unanimous decision of the Israeli Cabinet on 1 February to allow the return of 100 of the 415 deportees, set a dangerous precedent, she said. The only solution to the situation in the occupied Palestinian territories was for the military occupation of the West Bank and Gaza to end. The Palestinian people should have their own homeland. Self-determination was a basic human right. In the meantime, the Commission should reactivate an old General Assembly resolution which called for regular reporting to the Secretary-General on the situation in the occupied Palestinian territories and on the safety of the Palestinian people living under Israeli military rule. A special rapporteur to monitor the situation in the occupied Palestinian territories should be appointed, she said.

AMELIA RAKOTUIVUNA, of the World Young Women's Christian Association, said an American human rights medical team, describing the conditions existing within the occupied territories since the beginning of the intifadah, had reported thousands of injuries leading sometimes to permanent injury or death, deprivation of education, demolition of homes, and everyday violence. The basic right of the Palestinian people to national identity was brutally suppressed by Israeli military laws. The right to live with one's family was also being violated when Israeli authorities detained or deported parents. The children of Palestine should be given the chance to grow up in an environment that was free and humane, she said. Her organization had called for regular quarterly reports on the human rights situation in the occupied territories to be submitted to the Secretary-General and for the appointment of a special rapporteur on Palestine.

DANIEL RETUREAU, of the World Federation of Trade Unions, said the Israeli Government, by deporting more than 400 Palestinians, seemed to have deliberately chosen to block the Madrid peace talks. In the meantime, the increasingly bloody repression continued leaving in its wake a daily toll of

injured and dead. It was up to Israel to put an end to that situation, to end the occupation and oppression by negotiating for peace. He invited the members of the Commission to read the annual report of the Director-General of the International Labour Organisation on the situation of Arab workers in the occupied territories. There seemed to be a double standard in the United Nations which permitted the bombing of Baghdad but not the implementation of United Nations resolutions concerning the Palestinians, he said. The credibility of the United Nations was at stake. If the United Nations remained indifferent, there would be more suffering, injuries and deaths, he concluded.

BEATRICE FAUCHERE, of the World Confederation of Labour, said the Middle East peace talks had been seen as an instrument of security for the protection of all the peoples of the region of the Middle East. However, the December deportation of Palestinian civilians was an outrage and constituted an obstacle to the peace process. Israel repeatedly refused to implement United Nations resolutions and the failure to impose sanctions against Israel cast a doubt on the credibility of the Organization. Security Council resolution 799 (1992) must be implemented.

A great number of Palestinian workers in the occupied territories and those who worked in Israel were subject to arrests, fines and 24-hour detention, she said. Thousands of workers taking part in trade union activities were subject to intimidation. It was very difficult for trade unions to meet at all under such circumstances. Arrests, restrictions on movement and administrative detentions affected the fundamental rights of workers and trade union members; occupation made it impossible to exercise the rights of workers.

MAGDA GONZALES, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said all aspects of the everyday life of the Arab population of the occupied territories was affected by constant and extended curfews, identity checks and limits on their freedom of movement. Collective punishments were accompanied by deliberate policies of economic pressure and deteriorating administration of justice. She called for the adoption of all measures necessary to solve the problems of the Palestinians and other Arabs in the occupied territories.

M. AHMAD, of the World Muslim Congress, said Kashmir had an area three times the size of Belgium, the Netherlands and Luxembourg combined. A decade ago, its population was estimated to be more than seven million. The question of the right to self-determination of the Kashmiri people came before the United Nations Security Council, for the first time, in January 1948. The early recognition by the world body of the provisional nature of India's control over Kashmir and the acceptance of the right of the Kashmiri people to decide for themselves, by a fair impartial and internationally supervised referendum, their future status allowed one to appreciate the Kashmiri point of view that legally Kashmir had not been and was not a part of India. They were not asking to separate or secede from any country.

Perhaps no people in recent years had suffered as much as the Kashmiris in demanding the fulfilment of their right to self-determination, he went on. India had adopted repressive measures, including pillage, random killings, rapes and the destruction of homes. Those measures had become routine. The Commission represented the conscience of the world and had the means to take steps to remedy that situation, he said; the people of Kashmir were watching.

B.A.B. GOONETILLEKE (Sri Lanka) said that if indeed the demands of all groups advocating separatism on whatever grounds, whether religious, ethnic or cultural, were to be justified on the basis of the right to self-determination, the United Nations itself would be an unviable proposition due to the proliferation of economically unstable and politically fragmented States. The very process of democratization itself would be retarded. Principles of unity, territorial sovereignty and territorial integrity collided irreconcilably with the right to self-determination when the latter meant a division of existing States. The frequent refusal of extremists bent on separatism to consider alternatives merely served to prove that the cry for self-determination could be exploited as a means to an ulterior goal and was not the goal itself. The automatic moral and legal support historically granted to self-determination needed careful rethinking in the light of current realities. An exaggerated justification of that principle could be a threat to international peace and security and could undermine the very purpose of the United Nations.

On the inalienable right to self-determination of the Palestinians and other Arabs in the occupied territories, he welcomed recent steps taken by all parties to advance the Middle East peace process. He said Security Council resolutions 242 (1967) and 338 (1972) provided the framework for such a dialogue and highlighted the role and responsibility of the United Nations in the equitable resolution of the question of Palestine. The United Nations should continue to play an active role in assisting the parties concerned in achieving a just and lasting peace in the region.

VU HUY TAN (Viet Nam) said his Government was very concerned about the massacres perpetrated against the ethnic Vietnamese minority in Cambodia. The murderers should be condemned and punished, he said. He called for effective measures to be taken against those acts of terrorism and xenophobia. The international community should speak out to end such acts against the ethnic Vietnamese minority in Cambodia.

However, nothing should be allowed to affect the speedy implementation of the Paris Peace Accord on Cambodia, he continued. The Vietnamese Government supported the implementation of the Paris Accord and called on all signatories to do likewise.

MUSHAHID HUSSAIN (Pakistan) stated that the Government and people of Pakistan were deeply disturbed by the continuation of the conflict in Bosnia and Herzegovina. Ethnic cleaning was simply a euphemism for the genocide of the Bosnian Muslims. He called on the Commission to take urgent action to end the violence in that country. Pending the effective enforcement of Security Council resolutions relating to Bosnia and Herzegovina, that country should be

allowed to defend itself; the right to individual and collective self-defence as defined in the Charter was fundamental. That would necessitate the selective lifting of the arms embargo imposed by the Security Council. Finally, a war crimes tribunal should be established to try and punish those responsible for the crimes committed against humanity.

Turning to Afghanistan, he said Pakistan was committed to the preservation of the unity and territorial integrity of Afghanistan. With the establishment of the Mujahedeen Government, large scale repatriation of the Afghan refugees from Pakistan had began; however 1.9 million refugees remained on Pakistani soil.

Regarding the struggle of the Palestinian people for self-determination, he said a solution to the Middle East conflict would remain elusive without the total withdrawal of the Israeli occupation forces from the occupied territories, including Al-Quds Al-Sharif. On the subject of South Africa, he noted that since the beginning of 1991 many positive changes had taken place but that the people of South Africa continued to suffer under the system of apartheid and were still denied their fundamental right to equality and self-rule. He supported the proposal that international pressure against South Africa be maintained until there was concrete evidence of irreversible progress in that country towards dismantling the hated and inhuman system of apartheid.

M. ALI MOTTAGHI-NEJAD (Iran) stated that Israel continued its crimes in a vicious campaign to eliminate the Islamic resistance. To achieve that goal, Israel had embarked on a persistent policy of expulsion of Palestinian inhabitants, forcible changes of the demographic composition of the occupied territories, as well as murdering and injuring large numbers of the oppressed Muslim people of Palestine. In view of the deplorable plight of the 400 Palestinian deportees and the fact that Israel refused to accept the Security Council resolution calling for their return, Iran felt that the Security Council should consider imposing sanctions against Israel. Otherwise, it would be a clear manifestation of double standards vis-à-vis the application of international norms and standards.

The irony was that the supporters of the occupying Power, on the one hand, verbally sympathized with the oppressed Palestinian people and even denounced Israel's brutality. However, on the other hand, economic, military and political support for Israel continued unabated. Iran, while condemning the violation of human rights committed by Israel, believed that it was the international community that shoulder the responsibility of countering such illegal and inhuman practices. It was incumbent upon the international community to take effective measures to restore the legitimate rights of the Palestinian people.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/407
17 February 1993

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON RIGHT TO SELF-DETERMINATION

(Delayed in transmission.)

GENEVA, 5 February (UN Information Service) -- The application of the right to self-determination in specific situations such as Cambodia, Western Sahara, East Timor and the occupied Arab territories was discussed this afternoon in the Commission on Human Rights. Situations where the exercise of that right conflicted with other principles of international law such as territorial integrity and national sovereignty were also discussed.

The representative of Brazil said that the right to self-determination was an essential right of peoples but it did not by itself guarantee the fulfilment of civil and political rights and economic, social and cultural rights. Multicultural societies were enriched by their diversity and peaceful coexistence benefited all segments of society.

The Australian representative suggested the appointment of a special rapporteur charged with monitoring the situation of human rights in Cambodia following the expiration of the mandate of UNTAC. She also supported the establishment of an operational presence of the Commission for Human Rights in that country to assist the Government in meeting its human rights obligations.

The Commission also continued its consideration of the human rights situation in the occupied Arab territories.

Representatives of the following States made statements this afternoon: Brazil, Australia, Mauritius, Cuba, China, Portugal, United Arab Emirates, Senegal, Saudi Arabia, Morocco and Algeria. The representatives of the International League for the Rights and Liberation of Peoples and the World Christian Life Community also addressed the Commission.

The representatives of India, Indonesia, Morocco and Pakistan spoke in exercise of the right of reply.

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Statements Made

AMA CANDIDA PEREZ (Brazil) said that in spite of the slow and difficult progress made since the Madrid peace talks began, a diplomatic agreement should and could be reached. However, immediate confidence-building initiatives from all the parties concerned were indispensable for peace. Some positive steps had recently been taken in that direction, particularly the announced changes in the policy of establishing Israeli settlements in the occupied territories. Unfortunately, the situation seemed now to have moved backwards, to confrontational strategies that led nowhere. Any country had the right to take measures to protect its citizens. None the less, those measures should not go against the internationally accepted principles of human rights. The recent deportation of Palestinians was one such serious violation of human rights. She called on Israel to comply with Security Council resolution 799 (1992) which called for the immediate return of the deportees. Basic human rights would not be guaranteed unless assurances were given by the Israeli authorities that international humanitarian agencies would be allowed to perform their work normally and in safety. Access to relief should also be guaranteed to all those in need of it.

The dynamics of the relationship between self-determination and the realization of other human rights was a very complex one, she continued. Self-determination was an essential right of peoples but it did not by itself guarantee the fulfilment of civil and political rights and economic, social and cultural rights. Whereas it was clear that peoples under colonial or alien domination or foreign occupation or annexation -- which had not been endorsed by a free and fair popular referendum -- had the inalienable right to self-determination, other situations required cautious scrutiny. Multiracial and multicultural societies were enriched by their diversity. States which understood that were capable of providing the climate necessary for peaceful coexistence of all segments of their population.

P.A. WENSLEY (Australia) stated that her Government acknowledged Israel's serious security concerns, but those did not justify actions that breached international law and standards of human rights. It would be tragic if current events in the region were allowed to jeopardize the peace process. Australia had condemned both Israel's deportation of the Palestinians, and the kidnapping and killing of an Israeli policeman that had led to the mass expulsions. Her Government remained concerned at the high level of violence in the occupied territories by both sides to the conflict, as well as by Palestinians against other Palestinians.

Regarding Cambodia, she said Australia commended the work which had been undertaken by the human rights component of UNTAC. The Paris Peace Accord had fully recognized the special human rights dimensions of the Cambodian situation and the need for continuing action by the international community to protect the human rights of Cambodian citizens. By the provisions of the Paris Accord, UNTAC's mandate would expire at the end of the transitional period, which was scheduled for the end of August 1993. Australia believed

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strongly that the international community could not simply abandon Cambodians at that time, just as they were struggling to establish a new order which promoted and protected fundamental human rights in their country.

For those reasons, Australia believed that there was a strong need to ensure a continued United Nations human rights role in Cambodia after UNTAC's departure. Part of that role could be achieved by a decision of the Commission to appoint a special rapporteur to monitor the situation of human rights in Cambodia. She also favoured the establishment of an operational presence of the Commission for Human Rights in Cambodia to manage the implementation of education and technical assistance and advisory services programmes; to assist the Government of Cambodia in meeting its obligations under human rights instruments and provide support to human rights groups in Cambodia. His Royal Highness Prince Norodom Sihanouk had formally endorsed those proposals, she said.

GIAN NATH (Mauritius) said that only confidence-building measures leading to good neighbourly relations would enable conditions of peace and security to emerge in the region of the Middle East. After all, hatred could not govern relations between peoples and nations for ever.

Mauritian culture was rooted in respect for ethnic and religious differences, he went on. If anyone wished to see a definition of self-determination in practice, the people of Mauritius lived by those tenets. That made Mauritius a model multicultural society.

MIGUEL ALFONSO MARTINEZ (Cuba) said each State had the right to choose its own political relations and institutions, including the form of its government. However, state sovereignty could not be invoked in order to establish a legal or political institution, such as racism, which was contrary to the provisions of the United Nations Charter. Today, attempts were being made to justify the legitimacy of interference in the internal affairs of States, on the basis of humanitarian assistance or altruism. Interference, nevertheless, continued to be interference. There was a great danger in allowing such interference because of the tendency in today's world to take unilateral actions which worked to the disadvantage of the countries of the South.

Another complicating factor, he stated, were the practical conditions existing within the United Nations system, particularly in the Security Council. The Charter of the United Nations did not give a humanitarian mandate to the Security Council. The purpose of that exclusion was to avoid a conflict of jurisdiction between the three principal organs of the United Nations. The unilateral economic sanctions imposed on Cuba, said to be a measure to force it to adopt a market economy, were a clear case of interference in a country's domestic affairs.

ZHAN DAODE (China) said that safeguarding the rights of peoples to self-determination was an important global concern. Respect for that right meant, above all, that efforts should be made to protect the independence, sovereignty and the territorial integrity of all States and to enable the

people of those States to determine their own future and to oppose any foreign aggression, intervention and control. That was the basic guarantee for the survival of the State and a precondition for the full enjoyment of human rights. Therefore, any act that might lead to ethnic contradictions, conflict, and even the division of a sovereign State under the slogan of self-determination, ran counter to the principles embodied in the Charter.

He went on to say that the Middle East peace process had brought hope for the peaceful settlement of questions which had remained unresolved for more that 40 years. Regrettably, that process had yet to see a substantial breakthrough. He called upon Israel to comply with Security Council resolution 799 (1992) which called for the return of all deportees and for Israel to respect the Fourth Geneva Convention.

Further, he called on the parties to the Cambodian Paris Peace Accord to resolve any differences through consultations between the Supreme National Council and UNTAC. All Cambodian parties should take stock of the situation, observe their obligations under the Accord and strive to promote the peace process, so that Cambodia could become a genuinely independent, peaceful, neutral, non-aligned country at an early date.

ZOZIMO DA SILVA (Portugal) said the violation of the right to self-determination automatically resulted in the violation of other human rights. There was no doubt that the right to self-determination was especially violated in colonial situations or in areas under foreign occupation. The case of East Timor was a clear example of a violation of the right to self-determination. That was also the view of the Security Council, which in 1975 had asked the Indonesian Government to withdraw from that territory. Indonesia had instead annexed East Timor by force and organized a so-called popular assembly in 1976. That non-elected body had asked for the integration of East Timor into Indonesia. Since that year, Indonesia considered that East Timor had exercised its right to self-determination. Over the past year, following the Dili massacre in November 1991, the situation of human rights in East Timor had not improved. Those responsible for the massacre had received token sentences. He hoped that Indonesia would come to realize that a lasting solution could not be built on refusing freedom to people. Portugal had proposed to the Secretary-General that talks on the problem of East Timor take place under his auspices.

ABDULRIDA ABDULLAH MAHMOUD (United Arab Emirates) said that the deteriorating human rights situation in the occupied Arab territories had worsened. Israel's rejection of international law was an evasion of its responsibilities. Its decision to return 100 of the 400 deportees did not go far enough. Israel's continuing rejection of international conventions and norms could also be seen in its occupation of the Golan Heights and southern Lebanon. Israel's policy was one of aggression and occupation.

The Gulf Cooperation Council had called on Israel to conform to international law, he said. He hoped that all members of the Security Council

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would deal with the matter fairly and would not apply any double standards in resolving the deportation issue and ensuring that Israel complied with the Fourth Geneva Convention and its other international treaties.

ALIOUNE SENE (Senegal) said Israel's deportation of 415 Palestinians put in doubt the real value of a State's obligations under international humanitarian law. Israel had first refused the International Committee of the Red Cross (ICRC) access to the deportees from its territory. The decision to deport, in itself, was wrong. The time had come for the Commission to help put a stop to the spiral of violence, which postponed the hope of peace in the region and bred extremism. He called on the Commission to adopt effective measures to ensure that Israel implemented the human rights obligations it had assumed.

J. ABU-OSHBA (Saudi Arabia) said that the odious crime of deportations perpetrated by Israel was a flagrant violation of Security Council and General Assembly resolutions, as well as a breach of the Fourth Geneva Convention and various human rights instruments. The international community should assume its moral responsibility and bring its weight to bear upon Israel to comply with Security Council resolution 799 (1992). Israel's racist policy in the occupied Arab territories was abhorrent and should cease.

EL GHALI BENHIMA (Morocco) said a favourable climate for peace in the Middle East would require solutions to existing conflicts and the aversion of new ones. He regretted the fact that the recent deportation by Israel of 415 Palestinians had blocked the peace talks. There could be no peace in the absence of dialogue. He also expressed concern about the increase in violence and tension in Angola and hoped that the leaders of that country would overcome their differences and begin the reconstruction of their country. He welcomed the signing of a peace agreement in Mozambique. As to Cambodia, he expressed concern about the difficulties faced by UNTAC. There was a risk that despite all efforts, the situation would continue to deteriorate. Concerning Western Sahara, he said Morocco had constantly encouraged efforts undertaken by the Secretary-General to implement the peace plan. The failure of the consultations on 1 December 1992 could in no way be attributed to Morocco, he added.

ABDELHAMID SEMICHI (Algeria) said the success of the United Nations in implementing the right to self-determination would go down in history as its greatest contribution to freedom and social progress. However, the Palestinian situation constituted the most stark example of the denial of the right to self-determination. On the other hand, South Africa seemed to be proceeding towards democracy and one day the black majority would be allowed to have control over its own destiny.

In Africa, however, the people of Western Sahara had been denied independence and the right to self-determination. Algeria was ready to talk to all parties and States concerned in an atmosphere of mutual respect. The United Nations plan established between Morocco and the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) should continue to remain the basis for a just, fair and durable solution.

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MARCEL HENRIET, of the International League for the Rights and Liberation of Peoples, said that on 28 January the Supreme Court of Israel had determined that the collective deportation of 415 Palestinians was illegal but it had stated that individual deportations would be considered legal. That decision served to underline the fact that the Israeli legal system applied the presumption of innocence only to Israeli citizens. For Palestinians, the Israeli legal system worked on an entirely different level. The deportations showed that Israel intended to continue to empty the occupied territories of their original inhabitants. If the United Nations did not act firmly, international law would be trampled, the prospects for peace would be shattered and extremists of all sides would be the only ones to gain.

HENRY VOLKEN, of the World Christian Life Community, said that legal obstacles to economic development of the occupied territories began with some of the earliest military orders issued by the Israelis concerning freedom of movement of persons and goods, use of land, restrictions on financial transactions and free flow of capital. Restrictions had continued through the development of a punitive taxation system, confiscation of land, limitation of access to water, restriction of access to external markets, and a system of permits for industry and agriculture designed to stunt growth in both sectors. The most important step in any upcoming transitional period for Palestine would be immediate cancellation of Israeli military orders and the emergency regulations of 1945.

Economic development under the existing legal structure was impossible. Israeli military orders had been completely effective in retarding the establishment or growth of Palestinian economic infrastructure. The existing economy was completely dependent on Israeli institutions or individuals to conduct transactions with the outside world. Cancelling the security orders and the emergency regulations and shifting control of legislative power to the Palestinians were among the most important basic steps towards meaningful development, he said. To that end the World Christian Life Community called on the Commission to appoint a special rapporteur on the occupied Palestinian territories to investigate the legal obstacles to economic development in the occupied territories and to report the findings to the Commission with appropriate recommendations.

HELLEN LACOURT, of the International Federation Terre des Hommes, commented on the situation in Western Sahara. The Moroccan authorities had done everything they could to prevent the organization of the referendum for self-determination, she said, which was scheduled for January 1992. A report by the Secretary-General, published in May 1992, had listed 102 violations of the cease-fire, 97 of which were attributed to Morocco and five to Polisario. It was clear that despite the presence of the United Nations in the area, the people of Western Sahara had not yet been able to enjoy their right to self-determination.. She called on the Commission to invite all concerned States to take the necessary measures to restart the peace process in Western Sahara, and to establish an international team to investigate recent events.

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Statements in Right of Reply

SATISH CHANDRA (India), speaking in exercise of the right of reply, said that Jammu and Kashmir was an integral part of India. Non-implementation of United Nations resolutions calling for a plebiscite in Jammu and Kashmir could not be blamed upon India, for it was Pakistan which had refused to nullify the results of aggression. The plebiscite was contingent upon an acceptance of non-use of force and the inadmissibility of the acquisition of territory by force. The difficulties that had arisen in the full and unhindered enjoyment of human rights in Jammu and Kashmir were due to Pakistan having aided and abetted terrorist and secessionist activity in the area.

As regards the call for a fact-finding mission, Jammu and Kashmir was open to all, he said. Tourists, journalists, diplomats could visit. There was no need for a fact-finding mission. Pakistan should be pressured to cease such activities which posed a threat to the human rights of countless innocent men, women and children in Jammu and Kashmir and the Punjab. It was time to clearly recognize that Pakistan was using terrorism as an instrument of state policy.

LEONARDO DOS REIS (Indonesia) said the statement by the representative of Portugal had once again unnecessarily politicized the debate. In addition, it could do damage to the efforts undertaken by the Secretary-General to resolve Indonesia's differences with Portugal. Indonesia had always supported Portuguese efforts to decolonize East Timor. Portugal's colonial history in Africa, too, showed neglect. East Timor had exercised its right to self-determination. The outcome had been a clear desire to integrate East Timor with Indonesia.

EL GHALI BENHIMA (Morocco) said that a non-governmental organization had made claims regarding Western Sahara based on false knowledge and figures. Polisario had not understood the 1974 census figures which were being used to determine electoral rolls. All those interested in the question of Western Sahara must look at all relevant Security Council resolutions and see both sides of the issue. Otherwise their positions would seem suspicious, he said.

MUSHAHID HUSSAIN (Pakistan), also speaking in exercise of the right of reply, said the representative of India had responded to a statement made by the representative of the Organization of the Islamic Conference regarding Kashmir. India's use of the term "terrorist" to describe members of a liberation movement was typical of colonial Powers. He said that an Amnesty International delegation recently on a visit to India had been prevented from visiting Kashmir. Therefore, the Indian representative should not assert that all foreigners were free to visit Kashmir.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/408
17 February 1993

# COMMISSION ON HUMAN RIGHTS CONTINUES TO FOCUS ON SELF-DETERMINATION

(Delayed in transmission.)

GENEVA, 8 February (UN Information Service) -- The international community should revise some of its procedures and create new forums to address self-determination claims, a representative of Human Rights Advocates told the Commission on Human Rights this morning.

Taking part in that body's debate on the right to self-determination, the representative suggested that a new mandate for the United Nations Trusteeship Council or the International Court of Justice or a new Working Group of the Commission could contribute to the peaceful management of self-determination requests. The question of enforcement capabilities and collective military readiness also had to be addressed, he said, he said, stressing the need to adopt a broader and "less alarmist" view of self-determination and a new approach to enforcing minority rights.

Denial of the right to self-determination of the Tibetan people, the subjugation of the populations in East Timor, the Kurds, the people of Western Sahara, the rights of the Karenni people of Myanmar, Muslims in India, Central Asia, Africa and Europe, and the rights of the people of Bougainville in Papua New Guinea, as well as the people of Cuba and Panama, were some of the situations over which non-governmental representatives voiced concern.

The Commission also heard a call by 15 non-governmental organizations to accord recognition to a Tamil homeland in the North and East of Sri Lanka.

Participating in the debate this morning were representatives of the following organizations: World Organization against Torture, International Educational Development, Human Rights Advocates, World Islamic Call Society, World Federation of Trade Unions, Habitat International Coalition, International Work Group for Indigenous Affairs, International Council of Jewish Women, Peace and Justice Service in Latin America, Latin American Federation of Associations of Relatives of Disappeared Detainees,

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For information media--not an official record

International League for Rights and Liberation of Peoples, American Association of Jurists, International Indian Treaty Council and Commission on Defence for Human Rights in Central America.

The delegations of India, Pakistan, Sri Lanka, Portugal, Indonesia and Myanmar spoke in exercise of the right of reply.

Statements on Self Determination

KATHARINE MANN, of the World Organization against Torture, said that since 1988, when a massive wave of peaceful demonstrations in favour of Tibetan self-determination had taken place, serious human rights violations had increased and the trend seemed to be continuing in that direction. During a seven-month period last year, some 17 peaceful demonstrations in favour of Tibetan independence had been severely repressed by the Chinese authorities. This was accompanied by a wave of arrests in which over 100 Tibetans had been detained. That repression and the ensuing detentions were more often than not accompanied by brutal torture and ill-treatment.

She deplored the August 1992 decision by the Chinese Government to open up economically the Tibet Autonomous Region. The Chinese had already started exploiting Tibetan natural resources. There was also an increased chance that the Chinese Government would transfer large numbers of Chinese to Tibet, a move that was likely to marginalize the Tibetan population within their own territory.

The human rights situation in East Timor also remained preoccupying. Since the invasion of East Timor by Indonesia in 1975, some 200,000 people -- amounting to about a third of the population -- had been killed and human rights had been systematically violated in an effort to subjugate the population. She called on the Commission to urge the Moroccan authorities to put an end to the so-called second green march and the human rights violations committed against the people of Western Sahara and to release all those who had been detained. She further called on the Moroccan authorities to facilitate the access of independent observers to Western Sahara.

DEMANI ANTON PONRAJAH, of the International Educational Development, in a joint statement on behalf of 15 non-governmental organizations, said that the armed violation of humanitarian law was cause for grave concern. Any meaningful attempt to resolve the conflict should address its underlying causes and recognize that the armed struggle of the Tamil people for self-determination arose as a response to decades of an ever-widening and deepening oppression by a permanent Sinhala majority, within the confines of a unitary Sri Lankan State. The 15 organizations called upon the Commission to recognize openly the existence of the Tamil homeland in the north and east of the island and to recognize that the Tamil population there constituted a "people" with the right to self-determination.

She said the régime in Myanmar was attempting to deprive the Karenni people of their sovereignty -- a right granted to them in the Burmese Constitution of 1947. In violation of that Constitution, the régime referred

to them as a minority under the political domination of the Government of the country, which that régime now calls Myanmar. But the Karenni were not a minority -- they were an independent people meeting every international test for self-determination. She called upon the international community to come to the aid of the people and for a "free Burma and a free Karenni" to stand side by side as full partners.

HRAIR BALIAN of Human Rights Advocates, said that some of the most serious violations of human rights and humanitarian law occurred during conflicts in which a "minority" or a "people" decided that it was entitled to self-determination and attempted to secede from a given State. In some cases, new States had to be created or borders changed, despite the dangers of all such transitions. The international community's standard response to such situations was to urge peaceful coexistence and cooperation among various groups within the existing territories of sovereign States and the preservation of a status quo.

The inevitable result, he said, was repression, upheavals, further repression and resort to armed struggle and violence. While it was true that the creation of new States was usually associated with high costs, the denial of self-determination could be associated with even higher costs.

He called for a new approach to self-determination, which would adopt a broader and less alarmist view. Determining which group was entitled to self-determination should not be based on a single criterion -- many factors should be taken into consideration. A new approach to enforcing protection of minority rights was also needed. The international community might have to revise some of its procedures and create new forums to address self-determination claims. Could the Trusteeship Council be revived, revised and given a new mandate to address self-determination claims? Enforcement capabilities and collective military readiness needed to be addressed, he added. Could a working group of this Commission contribute to the peaceful management of self-determination quests?

ABDUL HAKIM TABIBI, of the World Islamic Call Society, expressed regret that those who suffered more because of violation of human rights and of the right to self-determination were Muslims, whether in Afghanistan, Kashmir, Palestine, Burma, Africa, Somalia, Bosnia and Herzegovina, Macedonia and even other parts of the world. There was not a single day without news of the massacre of Muslims, in the Indian subcontinents, Central Asia, Africa, Europe and other Muslim lands. The people of Kashmir suffered, contrary to the Indian Independence Act of 1947 and Security Council resolutions. What had been happening in Afghanistan for 14 years, Kashmir, the Holy Land, Bosnia and other parts of the Islamic world was a direct denial of the rights of Muslim people to self-determination.

Many civilizations had come and gone, but only civilizations based on justice remained permanent. Those who used hate and not love trampled under foot the right to self-determination, he said.

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DANIEL RETUREAU, of the World Federation of Trade Unions, expressed concern over recent new crises in Europe, Asia and the Caucasus. In Cambodia, the Khmer Rouge had claimed the existence of a Vietnamese occupation and called for a pogrom. The Cambodian people should be allowed to pursue their own destiny, as should the people of East Timor. In addition, the situation of the Kurds in Turkey had worsened recently and in Western Sahara, Morocco was impeding the holding of a referendum which would allow the Saharans to run their own affairs.

Instead of devoting efforts to negotiating eventual conditions for the separation of new States in respect of the rights of minorities, States which had "prematurely" recognized the new countries had contributed to the chaos, which in turn often involved "ethnic cleansing" or mass internment, he said. Many regions had become synonymous with massacres, including Yugoslavia, South Ossetia, Abkhazia, Nagorno-Karabakh and Tajikistan. The list could continue. He called for political, economic and moral pressure to end atrocities and to bring about solutions which conformed to the rights of people, human rights and international law.

MILOON KOTHARI, of Habitat International Coalition, stated that the planning process and related settlement and housing policies were of vital importance because they affected not only the likelihood of current and future prosperity and the protection of human rights, but the prospects of self-determination as well. Both China and Israel intentionally and wilfully utilized the tools of planning and the establishment of settlements as a means of subjugating the legitimate rights of the Palestinian and Tibetan peoples to determine their own destinies, through the shared policies of population transfer, settlement activities, land confiscation, demolitions, evictions and destruction of housing, non-democratic development plans, restrictions on residence permits and others.

Israel and China designed, supported and carried out essentially the same housing and planning policies -- lending graphic evidence to the shared ideologies possessed by those two occupying Powers, he said. Both nations systematically, willingly and knowingly violated numerous principles of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. The time had surely come for the United Nations finally to address China's colonial practices in Tibet. Without such action, the Commission could not claim to be carrying out its mandate in a manner compatible with international law or that it applied the law with consistency, equality and without prejudice or double standards.

MIKE FORSTER, of the International Work Group for Indigenous Affairs, said that Australia and Papua New Guinea had struggled to keep the genocide in Bougainville a secret and to minimize the concerns of the international community by a prohibition of the very notion that there even existed such a people let alone that they had rights. The issue had now become a threat to regional security. Within the last few weeks there had been international incidents involving exchange of fire between Solomon Islands field forces and the Papua New Guinea defence forces crossing into the Solomon Islands. The international instability had led to a visit by two United Nations delegates

dispatched by the Secretary-General in October to the area. Although the delegates had requested permission from the Papua New Guinea Government to visit Papua New Guinea and Bougainville, their requests had been denied.

Although Papua New Guinea was a signatory to the Convention on Genocide, that crime was being practised indiscriminately in Bougainville. The Commission, he continued, should support the call from many nations and peoples for fact-finding concerning Bougainville. To deny it would mean complicity in a genocide which could easily have been curbed. Bougainville could serve as a model for fact-finding, conflict resolution and the implementation of the right to self-determination as a people, either remaining within the State of Papua New Guinea as delineated by the colonists or returning to their original unoccupied State as a people and a nation. Serious consideration should be given to encouraging the United Nations to seek to assist with the restoration of peace, an end to the armed conflict and the defence of the right to self-determination by democratic choice of the people of Bougainville.

ANDREE FARHI, of the International Council of Jewish Women, said the right of peoples to self-determination should be granted only when certain criteria were respected. Those criteria had to be defined. Self-determination did not necessarily signify the right to create a State, but could imply a certain degree of autonomy inside a larger structure, such as a State or a confederation. It seemed odd that at a time when States could no longer violate human rights behind the shelter of the principle of national sovereignty, multiple groups were claiming their right to self-determination or to an independent State which, rather than pursuing human rights or democratic goals, would be devoted to the pursuit of racial or religious superiority policies.

The explosion of separatism and extremism, even in democratic countries, constituted a threat to international peace and security. In order to become universal, the right to self-determination had first to be defined. What was a nation and what was a people? She asked why 20 million Kurds did not have the right to a State.

V.A. BLAKE, of the Peace and Justice Service in Latin America, said that the right of the Panamanian people to self-determination had been violated by foreign intervention which went against the norms and principles of territorial integrity. It was the responsibility of the States concerned to pay compensation to the victims of such violation. Decisions and resolutions by various international forums had recognized the right to restitution and compensation for victims of human rights violations. When the United States invaded Panama in 1990, people were detained, wounded and killed. Weapons were seized and material damage worth $1.5 billion had been caused by the invasion and subsequent occupation. In turn, Panamanian society had suffered unemployment and poverty had increased. The United States had consistently refused to pay compensation.

He called on the Commission to repeat its condemnation of violations of territorial integrity and on the United States to cease its practice of

intervention and to withdraw immediately from Panama. Panamanians only wanted to exercise their right to self-determination.

MAGDA GONZALES, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, referred to the right to self-determination in relation to Cuba, Western Sahara and East Timor. Cuba's right to self-determination was constantly violated by another State in the form of a unilateral blockade. No State could freely determine its future, develop its economy or technology in the absence of trade and relations with the outside. No country should be able to decide another's destiny. Regarding Western Sahara, the existence of the 1991 peace plan constituted the confirmation of that people's right to self-determination. Morocco's certainty that a referendum would give independence to the territory explained the continuing military presence of that country in Western Sahara.

ALESSANDRA AULA, also speaking for the Federation, said the right to self-determination was the guideline and emblem of the pacific struggle of the Timorese with the view of enjoying their independence. The denial of that right was the main cause of all violations of human rights perpetrated against the Timorese. The Indonesian authorities continued to affirm that East Timor was perfectly integrated and that there was no need to hold a referendum in order to let the Timorese freely express themselves. The situation in East Timor needed an urgent solution.

VERENA GRAF, of the International League for the Rights and Liberation of Peoples, pointed out that there was still no international body of competent jurisdiction to investigate and try accusations of the violation by States of the norms of international law. Whatever might have been the position in earlier times, it should now be admitted that peoples and individuals were the subject of international law which it was the duty of States to respect. According to the findings of the Permanent Peoples' Tribunal, the Tibetan people met the criteria of a people and were therefore entitled to exercise the right to self-determination. The outcome of the exercise of this fundamental right of peoples should be respected by the international community as the will of the Tibetan people.

Concerning Western Sahara, she called on Morocco to allow humanitarian organizations access to the occupied Saharan territories. Why did Morocco wish to hide the reality of the living conditions there? Even the European Parliament delegation had been refused. In addition, the will of the Kurdish people was subject to the occupying countries. The Kurds in occupied Kurdistan were subjected to brutal repression. The Commission should formulate a plan for the Middle East in which the fundamental rights of the Kurdish people would be recognized and respected.

ALEJANDRO TEITELBAUM, of the American Association of Jurists, said the times when States could use the principle of non-interference to violate human rights were now behind. However, that progress in international law had produced some problems. There were now attempts to establish a new right -- the right to interfere. That attempt led to the weakening of United Nations bodies, depriving them of resources, and to the establishment of ad hoc bodies

instead. World public opinion, used to viewing dramas, was receptive to that new idea. How was this right going to be implemented?

The invasions of Panama and Grenada, as well as assistance to the "freedom fighters" in Nicaragua, were all explained as being just or necessary action, he said. The recent bombing of Iraq was justified by saying that Iraq had not implemented Security Council resolution 688 (1991). The right to interference was very active in some places and very absent in others. It did not seem to apply to the people of Guatemala, East Timor or Haiti. Therefore, that right did not have any legal basis. It lacked the criteria of impartiality, objectivity and non-selectivity. It was an intent to re-establish the ancient colonialist policies of the great Powers. There was no contradiction between sovereignty and respect for human rights.

NAKOA PREJEAN, of the International Indian Treaty Council, said the right to self-determination should be recognized, implemented and protected at every level of legislative and judicial work in order to ensure that the denial of a people's right to self-determination by nation States would no longer be a norm of international relations. Self-determination was an indispensable element for the historical continuity of indigenous communities, peoples and nations. He called on the Commission to adopt concrete resolutions regarding the gross violations of the right to self-determination in the occupied Arab territories, particularly Palestine, and Western Sahara. In East Timor, the Jakarta Government had responded to the Timorese claims for independence with cruel intimidation and tortures, arbitrary arrests and the development of a genocidal policy aimed at the annihilation of the Timorese people.

In Bougainville, the Papua New Guinea Government since 1990 continued to subject the Bougainvillian people to a siege and military occupation, violating their basic human rights and fundamental freedoms and denying their right to self-determination. In Sri Lanka, the Tamil people had suffered violation of their human rights for more than 40 years at the hands of the Sri Lankan Government, which sought to establish a hegemonous State where the culture and heritage of the Tamil people would be denied. In Hawaii, 1992 had marked 100 years since the illegal overthrow of that sovereign nation by the colonial forces in 1893. Hawaii should be reinscribed on the list of territories eligible for decolonization through recognition of the inherent right to self-determination.

WILMA NUNEZ, of the Commission for the Defense of Human Rights in Central America, said the history of Latin America was made up of a long list of military invasions and occupations, overt or covert aggressions, constant interference in the internal affairs of countries and blockades. Therefore, the Commission, when considering the right to self-determination, should focus on all forms of intervention, not only traditional ones.

Panama had been constantly interfered with, she said. It was occupied today and its people had been subjected to terrible poverty since the invasion. The present Government of Panama had virtually legalized the invasion through treaties it had signed with the United States. Economic blackmail was, in essence, an act of aggression. In Nicaragua, the United

States had intervened for 12 years. Today, the Government of Nicaragua was still under pressure. The speaker also referred to similar situations in other Central American countries. She condemned the blockade against Cuba, which she said resulted in a general violation of the rights of a whole people.

Rights of Reply

SATISH CHANDRA (India) said that Pakistan would be well advised to cease its aiding and abetting of terrorist activity which was at the root of the current situation in Jammu and Kashmir. The representative of Pakistan had been associated with a paper which had written that a part of Jammu and Kashmir -- the northern areas -- was illegally occupied by Pakistan. As a journalist, who was expected to be more objective, the representative of Pakistan should have referred to the highly successful grassroots-level elections that had been held in Punjab only last month with a turn-out greater than 80 per cent.

MUSHAHID HUSSAIN (Pakistan) referred to a report mentioned on CNN yesterday which had said that 9,000 deaths had occurred in occupied Kashmir as a result of Indian State terrorism. India was probably the only country which was also exporting its terrorism and had set up camps for that purpose. India obviously had both experience and expertise in the field of terrorism.

BERNARD A.B. GOONETILLEKE (Sri Lanka) said that a statement by certain non-governmental organizations failed to clarify whether the claim for a "Tamil homeland" had a historical or a legal basis. In both instances, the answer was no. However, there was a justification to a claim that Sri Lanka, in its entirety, was the homeland of Tamil people, just it was the homeland of the other population groups. Tamils constituted 18.2 per cent of the total population. However, the area they claimed exceeded 30 per cent of the land mass of the island. If the Commission were to accept the two requests made by the non-governmental organizations, not only would it be interfering in the internal affairs of Sri Lanka, but it would also put the future of the Tamil population living outside the north and the east provinces in jeopardy.

ZOZIMO DA SILVA (Portugal) said the United Nations did not share the view of the Indonesian Government, namely, that the people of East Timor had freely expressed their desire to be integrated with Indonesia. Portugal was fighting the right of the people of East Timor, not its own right, in this issue, because of its moral, legal and historical obligations. If the majority of the East Timorese were in favour of integration, why did the Indonesian Government not permit a referendum to be held on that question under the supervision of the United Nations? What did Indonesia have to hide?

LEONARD DOS REIS (Indonesia), said that four-and-a-half centuries of colonization by Portugal did not qualify that country to be a champion of self-determination. The people of East Timor were living in peace and harmony.

JIN JIN MYINT (Myanmar) said the people of Kayah had a separate state to call their own in independent Myanmar. The Kayah state was a constituent state of Myanmar. The so-called Government of the self-styled Karenni state

was nothing but terrorist groups who had deserted the army, police and other services and had gone underground. The Karenni terrorist insurgents did not in any way represent the overwhelming majority of the Kayah people. Her delegation would oppose any attempt to impair the national unity, sovereignty and integrity of Myanmar.

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United Nations

Press Release

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# HUMAN RIGHTS COMMISSION BEGINS CONSIDERATION OF SOUTH AFRICAN HUMAN RIGHTS SITUATION

## Use of Mercenaries as a Means of Violating Human Rights, Actions to Combat Racism Also Discussed

GENEVA, 8 February (UN Information Service) -- The continuing political violence in South Africa and the complicity of South Africa's police and security forces in that violence, as well as the atmosphere of official negligence and impunity prevalent in the country were some of the concerns raised this afternoon as the Commission on Human Rights began its examination of the situation of human rights in South Africa.

The representative of the African National Congress (ANC) said that violence was one of the methods used by the régime to deliberately destabilize the country and to weaken the bargaining strength of the liberation movements in political negotiations. The representative of the Pan Africanist Congress of Azania (PAC) urged all Member States to maintain international sanctions against the South African Government and to refrain from patronizing that régime's armaments industry.

Also this afternoon, the Commission began its debate on racism and racial discrimination and the use of mercenaries. It concluded its debate on the situation of human rights in the Israeli-occupied Arab territories, and on the right to self-determination, hearing a statement by a representative of the Pax Christi International. Statements in exercise of the right of reply were made by China, Morocco and Turkey on the item dealing with the right to self-determination.

The Commission also heard a presentation by Enrique Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination. He told the Commission that mercenaries were active in Angola, Mozambique, Liberia and South Africa. He also confirmed that he had heard allegations that mercenaries of different nationalities were fighting on the side of the parties to the conflict in the former Yugoslavia.

(more)



For information media--not an official record

Statements this afternoon were made by the representatives of Nigeria, Czech Republic, Venezuela, United States, Austria, Syria, Indonesia, Ethiopia and Cyprus. Representatives of the Commission of Churches on International Affairs, Amnesty International, International Commission of Jurists, International Confederation of Free Trade Unions, Movement against Racism and for Friendship among Peoples, Anglican Consultative Council, World Federation of Trade Unions, and the World Peace Council also addressed the Commission.

Situation of Human Rights in Southern Africa

The report of the Ad Hoc Working Group of Experts on Southern Africa (document E/CN.4/1993/14) details the human rights in South Africa. The report states that the escalating violence in South Africa was a matter of grave concern. The Working Group welcomed the fact that some of the incidents had been the subject of an impartial investigation ordered by the South African Government. However, it condemned the co-called "dirty tricks" campaign and covert activities that were designed to foster the climate of violence.

The Working Group reiterated its concern about the living conditions of inmates of single-sex hostels, the fact that the victims of township violence were essentially women and children, and the reports of deaths under suspicious circumstances in police custody. It also decried the inadequate system of review in respect of accused persons sentenced to death, the total lack of confidence in the judicial system, the continued detention of many political prisoners, and the lack of respect shown by the security forces for the agreement regarding the return of exiles in safety and dignity.

Further, the Working Group called for the early implementation of the recommendations of the Secretary-General, as contained in his report of 7 August 1992 to the Security Council, including the ban on the public display of dangerous weapons and the enhancement of the credibility of the law enforcement machinery of the country. It also agreed with the proposal that the Goldstone Commission investigate the functioning and operations of the army and police; the Umkhonto we Sizwe, the Azanian People's Liberation Army; the KwaZulu police; and certain private "security firms". The United Nations should provide as many observers as necessary to monitor the situation in South Africa, it stated.

Another document before the Commission is an updated report of the Special Repporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities (document E/CN.4/Sub.2/1992/12 and Add.1) which discusses political, military, economic and other forms of assistance given to the racist regime of South Africa. It contains a list of banks, insurance companies, firms and other enterprises assisting that régime.

Also before the Commission is a note by the Secretary-General (document E/CN.4/1993/52) on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, which describes the present status of the Convention and the number of ratifications and accessions to it.

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Racism and Racial Discrimination

Each year the Commission considers the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. At its last session, the Commission invited all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid, and to provide assistance to the victims of those evils. It also recommended that the General Assembly launch a third decade to combat racism and racial discrimination to begin in 1993.

The organization of seminars and consultations is an important part of the overall programme. The elimination of racism and racial discrimination is a key element in the overall United Nations human rights programme and a particular effort is made to publish information relating to the subject. In addition, the Secretary-General is preparing within the context of the Decade's plan of activities a number of studies to be published in 1993, including: model legislation for the guidance of Governments in the enactment of further legislation against racism and racial discrimination; a handbook of recourse procedures available to victims; and a study of the effects of racial discrimination on children belonging to minorities.

For its consideration of the issue, the Commission has before it a report on racial discrimination submitted by the International Labour Organisation (document E/CN.4/1993/56) and a report by the Secretary-General on the implementation of the Programme of Action (document A/47/432), the status of the voluntary Trust Fund for the Decade, and proposed elements of a draft programme of action for a third decade.

Report on Mercenaries

Introducing the report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right to self-determination (document E/CN.4/1993/18), Special Rapporteur ENRIQUE BERNALES BALLESTEROS (Peru) said that there was an international market for mercenaries and their use was linked to other criminal acts such as terrorism and drug trafficking. He called on the Commission to condemn the recruitment, financing, training and use of mercenaries. It was an internationally organized crime which affected national sovereignty of States, the economy of countries, the stability of constitutional governments and the freedom of peoples to exercise their fundamental human rights.

In Africa, Angola was one country that was seriously affected by the criminal acts of mercenaries. Liberia, Mozambique and South Africa were other places where mercenary activities had occurred. He had received allegations of the use of foreign mercenaries in the territories of the former Yugoslavia, as well, he said. However, the situation was not entirely clear. The Special Rapporteur said that while there was no doubt foreigners were taking part in the fighting, confirmation that they were in fact mercenaries could only be attained following a visit to the area. The date of such a visit had not yet been fixed.

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Statements in Debate

ABDULKADIR BIN RIMDAP (Nigeria) said that he was deeply distressed to hear continuing reports of the involvement of South African security forces in extra-judicial executions, whether through acts of omission or through the unlawful use of lethal force. Also disturbing was the increasing evidence of the involvement of covert elements within the police and the military in assassinations and massacres, particularly in the province of Natal. The Commission should continue to put pressure on the South African Government to introduce reforms immediately.

The current changes towards democracy taking place in South Africa, he continued, were commendable. However, despite the good intentions of Mr. de Klerk, many hard facts could not be ignored. Apartheid could not be reformed, it had to be totally dismantled. Recent changes and developments had not yet put South Africa on the path of irreversible change. On the subject of racial discrimination, he called upon the United Nations to ensure that sufficient funds were made available to implement the activities planned for the Second Decade to Combat Racism and Racial Discrimination. The Programme of Action represented a practical demonstration of the commitment of the United Nations to move away from debates and declarations and towards the realm of concrete action.

ZDENEK VENERA (Czech Republic) stated that racism and racial discrimination, in whatever form, were exacerbated by conflicts over economic resources in many countries. Such conflicts manifested themselves as national hatred, xenophobia, discrimination of ethnic or other minorities, and hatred against immigrants. Acts of violence resulting from such forms of racism were on the increase in a number of countries in North America and Europe including the Czech Republic, unfortunately. It did not mean, however, that the Government and community were passive or indifferent to that development, he said. He supported the appointment, for a three-year period, of a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia who would report to the Commission annually on recent trends in different countries.

The most serious manifestation of racism currently taking place in Europe could be seen in Bosnia and Herzegovina, he said. The perpetrators, regardless of their party affiliations, should be brought to justice.

He supported the on-going process aimed at the complete dismantling of apartheid, which should be achieved exclusively by peaceful means, he said. The negotiations between all parties in South Africa should be resumed as soon as possible.

WILMER MENDEZ (Venezuela) said that in South Africa offensive incidents reminiscent of "ethnic cleansing", should have been stopped long ago. An atmosphere of transparency and openness was necessary, especially when the global trend was towards justice. Significant changes had occurred in South Africa and those events had promoted dialogue between the parties. However, he was concerned over recent incidents of violence, such as those in Ciskei.

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Negotiations between all parties should be resumed as soon as possible under the auspices of the Convention for a Democratic South Africa (CODESA).

Venezuela, he continued, was party to various international conventions banning racism and racial discrimination and had accordingly brought its legislation into line with those instruments. Venezuela had no racial discrimination. It also remained committed to the end of apartheid in South Africa and had no links of any kind with the South African Government.

J. KENNETH BLACKWELL (United States) stated that the long struggle to demolish the abhorrent, race-based system of apartheid was nearing an end. The prospect of a new, democratic South Africa lay tantalizingly near. Yet, many obstacles remained before South Africa emerged as a free, non-racial democracy. Nevertheless, the process of change under way today was irreversible. The ruling minority could no longer deny the majority its right to participate fully in the politics and the economy of South Africa. The United States fully supported the ongoing negotiations in South Africa and stood ready to assist in any way the parties considered useful. But simply removing the institutionalized racism of apartheid would not immediately create an equal and just society. Black South Africans suffered the socio-economic effects of long-term legalized discrimination and isolation.

In addition, South Africa was wracked by violence that stemmed from decades of intolerance, poverty and impotence. President Clinton had said that a settlement in South Africa should "create a democratic government with full rights for all its citizens", and the President was deeply committed to seeing the process of transition in South Africa through to the end. The process required the encouragement of the international community. All should join hands to assure that the South African parties remain firmly focused on the negotiating process and the final objective, which was peaceful transition to a non-racial democracy.

PHILIPP HOYOS (Austria) hoped that the representatives of the South African people would resume broad-based negotiations on transitional arrangements without further delay. For a sustainable solution to the problems of South Africa, it was imperative that a new constitution be drafted and accepted by the entire South African population. He expressed deep concern about the almost daily incidents of violence leading to the highest death toll in South African history. To overcome this state of violence and lawlessness, cooperation among all political forces was of the the greatest importance. He called upon all parties to implement fully their obligations under the 1991 Peace Accord and to cooperate in good faith to bring the current wave of violence to a speedy end.

Austria would increase its contributions to the funds and activities administered by the United Nations in favour of South Africans suffering as a consequence of apartheid. It would also increase assistance to a number of bilateral projects in that regard. While it was up to the South Africans themselves to overcome present difficulties, the international community should also render assistance, he said.

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SUSAN CHEHABI (Syria) said that in spite of intensified international efforts, the world still witnessed the exposure of millions of humans to racism, ethnic discrimination and xenophobia. The South African régime was today under pressure to change. However, it was procrastinating in its actions to dismantle apartheid. The police remained partial and were unable to intervene to save the lives of black South Africans. The victims of the everyday violence were mainly women and children.

The régime in Israel, too, was based on racism, she said. The international community should put pressure on those two Governments to force them to end their racial policies. A new mechanism might be necessary to help the United Nations combat racism and racial discrimination, she suggested.

SAODAH B.A SYAHRUDDIN (Indonesia) said that it was unfortunate that the promising developments heralded by the launching of the CODESA process had been suspended due to the outbreak of political violence. The violence had also taken a heavy toll in human life. Of profound concern was the ineffectual response of the Pretoria Government to the wanton killing of innocent people and the collusion between its perpetrators and the security forces. Apartheid continued to fester and to threaten the lives of the majority of the people. Also of concern was the continued ill-treatment of prisoners and the high incidence of deaths of black South Africans while in custody.

He believed that the necessary pressure should be maintained on South Africa until an irreversible stage was reached in the process of negotiations aimed at establishing a democratic and non-racial South Africa.

S.E.M.PHEKO, a representative of the Pan Africanist Congress of Azania (PAC), said that despite the rhetoric about "positive changes" in South Africa, those changes were only superficial and not fundamental. The South African régime had not shown enough seriousness in its efforts to uproot the evil system of apartheid. Nice things had been said, but deeds spoke louder than words. The intention of the régime was to co-opt the Africans into the same apartheid system, "but with new paint". The PAC, the South African Council of Churches and other organizations did not agree that sanctions should be lifted at the present stage.

The South African régime had defied the United Nations and had resisted the drawing up of a new constitution by a democratically-elected constituent assembly. It was now plotting a political bluff under the title "interim government", which it would also control. The main purpose of the "interim government" therefore, would be to delay the writing of the new constitution and to prolong minority racist rule. By an "interim government" with a few black faces in it, the régime hoped to have sanctions lifted and to deceive the world, once again, that it was dismantling apartheid. This would also help the régime to declare a state of emergency, detain opponents of apartheid without trial and legitimize itself internationally.

MULUGETA ZEWDIE MICHAEL (Ethiopia) said that the international community had witnessed a number of positive changes in South Africa since February

1990. Those developments had been welcomed as positive and encouraging moves in the right direction by the Commission and the world at large. However, the objective of eliminating apartheid in its entirety had not been achieved and the situation, in fact, remained a source of grave concern for the international community. Despite the imposition of sanctions, the South African Government had not yet abandoned its policy of apartheid. Financial and trade sanctions had proved to be an ineffective instrument to put pressure on that Government.

The intermittent violence which enabled the irresponsible elements of the Government's security forces to unleash an indiscriminate reign of terror against the black population was another matter of serious concern, he said. The revelations of the Goldstone Commission had clearly confirmed the fact that the country's security forces were solely responsible for creating the violence and for its grave consequences. He urged the South African Government to take appropriate action immediately to end the violence and to put those responsible for the crimes on trial. The latest accord reached between the ANC and the Government to facilitate a resumption of the stalled negotiations and to free political detainees was an encouraging step in the right direction. Preparations for a transition to multiracial democracy should not be further delayed and democratic elections should be held this year.

Mr. PHEKO, of the PAC, said that the United Nations still maintained an arms embargo against South Africa. Unfortunately, some countries were violating that embargo and were selling sophisticated weapons to South Africa or were helping it to manufacture those dangerous weapons. He urged all Member States not to patronize the racist régime's armaments industry. South Africa was committing genocide through mercenaries and death squads, he said and over 34,000 Africans had been killed since 1984. More than 16,000 had been killed since Mr. de Klerk took office. The PAC had been insisting since September 1991 that the South African régime was responsible for the genocidal violence in South Africa. That was why the PAC had refused to sign the National Peace Accord.

On the support being provided to the South African arms industry, he said that an agreement had been signed between a Russian-based company and a South African company to provide Russian military aircraft on lease to South Africa. It was also reported that South Africa was negotiating the purchase of Russian MIG-29 fighter planes. A Committee set up by the Security Council to monitor the mandatory arms embargo had also asked Switzerland to prevent the export of Pilatus aircraft to South Africa. The PAC could no longer stand the genocide of the African people by a régime that was being supplied with sophisticated weapons to perpetuate colonialism and racism in Africa, he said.

STANDILE MOGXIMA, of the African National Congress of South Africa (ANC) said he regretted that despite President de Klerk's speech of 2 February 1990, the violation of human rights still continued in his country. Although apartheid laws inhibiting political activity had been scrapped, violence made it impossible to engage in free political activities. The phenomenon of violence was one of the methods of deliberate destabilization by the apartheid

State and its allies to ensure that the abhorrent system continued to exist. Its aim was to weaken the bargaining strength at the negotiating table of the liberation movements. The violence, which had been described by the régime as "ethnic rivalry", was actually emanating from a "third force" made up of structures within the Government. The Government vehemently denied that such a third force existed. However, recently Government officials had admitted to some of the activities of the security forces.

The current situation in South Africa should be taken very seriously, he said, as the intimidation that went along with such violence would inevitably mar the electoral process. The continuing instances of death while in police custody was another cause for concern. That fact strongly suggested that the police were failing in their responsibility to safeguard the rights and lives of arrested people. Some had expressed the view that the current violence enveloping the country made it impossible for democratic elections to take place. That position, however, only encouraged the perpetrators of the violence and those opposed to a negotiated solution for democratic elections. That view enabled the perpetrators of violence to hold the future of that country to ransom. He appealed to the international community to assist in the process of establishing a climate conducive to free and fair elections.

DEBORAH ROBINSON, a representative of the Commission of the Churches on International Affairs, said that the ecumenical community had come to believe that South Africa was on the road to constitutional transformation. That belief was challenged in May 1992 when the second plenary session of CODESA failed to reach agreement and the negotiation process was on the verge of collapse. The level of violence that existed in South Africa today made the enjoyment of basic human rights impossible. With violence so endemic, progress towards democratic rule would be hard to achieve. Accordingly, the Ecumenical Monitoring Programme in South Africa (EMPSA) had been launched with the objective of monitoring the human rights situation. The Programme had received disturbing information which confirmed that the violence had been manipulated by a hidden "third hand". The continued violence and the failure of negotiations could lead South Africa into irreversible chaos and destruction, she said.

On Switzerland's assistance to the South African regime, she said that despite commitment to the Security Council's arms embargo, it had failed to adopt adequate and comprehensive legislation or regulations to implement it fully. She called on the Commission to reiterate its condemnation of political, economic, financial and particularly military assistance to South Africa.

CHRISTOPHER HALL, of Amnesty International, said that despite hopeful developments in the early part of the year, 1992 had ended with a majority of South Africa's population still disenfranchised and living in poverty and fear. Negotiations over a new constitutional framework had foundered amidst escalating political violence in which more than 3,000 people had died. In June 1992, Amnesty International had published a report on the Government's human rights record which documented incidents of politically-motivated killings, assaults, torture and other serious human rights violations by the

security forces or by others acting with the acquiescence of the security forces. The report had noted that, in the vast majority of cases, security force members and others implicated in those human rights violations had not been called to account for their actions. His organization had concluded that lack of vigorous and credible investigations and actions against human rights violators had reinforced a sense of impunity among the security forces and those forces acting with their acquiescence.

Amnesty International's concerns about this lack of accountability had been reinforced by later developments including the enactment last November of the Further Indemnity Act which effectively grants immunity to human rights violators. Considering the possibilities for real change that had emerged in South Africa since 1990 and the frequent Government statements acknowledging the need for reforms within the security forces, it was extremely disappointing that Amnesty International needed to repeat that until the Government took adequate steps to demonstrate unequivocally that all members of the security forces who were involved in torture, extrajudical executions and other human rights violations were brought to justice, the current climate of fear, frustration and high loss of life would continue.

PHILIP AMOAH, a representative of the International Commission of Jurists, said that in light of the continuation of the violence and the current volatile political situation in South Africa, it was worthwhile to reiterate the major recommendations of the mission of the International Commission of Jurists that went to South Africa. Concerning the international monitors, the number of United Nations monitors should be increased from 60 to 100, and the monitoring expanded to cover every case of political violence. United Nations and other international assistance should also be provided for a credible witness protection scheme. He urged further action by the United Nations to ensure a peaceful transition to a democratic, non-racial, non-sexist and united South Africa.

The International Commission of Jurists mission had also recommended a number of measures, including reorganization of the security forces and a ban on the carrying of dangerous weapons in public, he continued. He had been informed that appropriate measures had been taken to deal with that recommendation, but the actual impact of those changes remained to be seen. Draconian and repressive legislation which inhibited political activity continued to remain on the statute books. Such legislation should be repealed. He strongly urged the Commission to continue to maintain the item as a priority on its agenda. The Commission should intensify its vigilance over developments in South Africa until apartheid was completely abolished.

GUY RYDER, of the International Confederation of Free Trade Unions, said that the report of the Goldstone Commission had indicated that the upper levels of the police and army in South Africa had played an active role in the provocation of inter-ethnic and political conflicts. Extremist groups were trying to prevent South Africa from turning into a democratic and non-racist society. The racist legislative structure was not yet fully dismantled and discrimination in employment, education, as well as in social rights was still in practice. Moreover, the question of political equality and the issue of

the bantustans, rather than being at the top of the political agenda, remained untouched.

Some countries had prematurely lifted the sanctions, he said. Some companies preferred to have maximum profits rather than worry about ethics or human rights. Repression of trade unions by the security forces had reached dramatic levels and even espionage charges had been levelled against some unions. President de Klerk needed to bring order to his armed forces and police and to speed up the process of negotiations. Positive gains should be consolidated and change to a democratic society made irreversible.

J.J. KIRKYACHARIAN, of the Movement against Racism and for Friendship among Peoples, referred to the recent upsurge of racism in the world and said that Governments should draw up penal legislation against racist acts, discrimination and aggression. They should then implement that legislation effectively. They should take urgent measures to allow migrant workers to formalize their status and to integrate into the society. There seemed to be a link between xenophobia and racism on the one hand and social exclusion on the other hand. Therefore, the fight against racism should also focus on equality in schools, training for young people and the reduction of unemployment. Another aspect of the problem was the gap in the development levels between the countries of the South and those of the North. There was a direct link between the growth of racism in the North and the growth of misery in the South.

WILLIAM L. WIPFLER, of the Anglican Consultative Council, said that the situation in Angola represented a tragic and massive violation of the human rights of the people of Angola. Repudiation of the results of the democratic process by the losing candidate, Jonas Savimbi, the violation of the Peace Accord and reintroduction of the civil war, the massive killings of unarmed civilians, the displacement and potential starvation of millions of people, all represented the denial of the most fundamental human rights. The Commission had to address three principal concerns regarding the recovery of human rights by the people of Angola: the role played by other countries in the denial of those rights; the role that must be assumed by the United Nations in assisting in the restoration of human rights in Angola; and the role of the Commission itself. Regarding the first of those concerns, Zaire had allowed encampments in Shaba province of Savimbi's National Union for the Total Independence of Angola (UNITA) forces and had also provided troops to support UNITA. Furthermore, South Africa continued to back UNITA in the violent struggle that it was waging against the Government of Angola.

It was tragic that the United Nations had not satisfactorily dealt with UNITA prior to the elections and demanded greater demobilization of its forces in accordance with the Peace Accord, he said. The Commission had the responsibility to rectify the injustice and place the burden of blame for the failure of the Accord and the renewal of the massive violations of the rights of Angolan citizens where it belonged -- on the UNITA forces and their supporters. United Nations operations should not be jeopardized by UNITA intransigence and resort to force. The Commission must recognize that the success of the democratic process, the only assurance of human rights in all

of southern Africa, was a fragile thing. The Angolan Government must be supported in its attempt to bring stability and democracy to its afflicted people through the ballot box and not the barrel of a gun.

DANIEL RETUREAU, of the World Federation of Trade Unions (WFTU), said that formidable obstacles remained on the path to a democratic, non-racist South Africa. The most disturbing of those was the appalling violence that had escalated in South African society to the point that it jeopardized the exercise of all basic human rights. The number of trade unionists murdered was very high and the regrettable conclusion was that trade unions remained a particular target because of the outstanding role they played in the anti-apartheid struggle. The primary responsibility of the United Nations should be to contribute, in the most effective manner possible, to the earliest demise of apartheid.

The international community also had to act now to address the severe economic and social problems that would be apartheid's legacy to a democratic South Africa. In particular, the active involvement of trade unions and of employers in participatory tripartite institutions, such as the National Economic Negotiating Forum, could be of critical importance in setting South Africa successfully on its development path. At the same time, foreign investment would have an important role to play. The most pressing needs for change were in respect of agricultural workers and domestic workers, both of whom were excluded from legal guarantees of the most basic rights at work. Public sector employees who continued to be subject to restrictive legislation, and workers in the so-called bantustans where South African labour law did not apply, also needed to be considered. He hoped that the Commission would appoint a special rapporteur to monitor progress towards democracy, equality and social justice in South Africa.

ROMESH CHANDRA, of the World Peace Council, said that the world was witnessing a sharp increase in ugly and violent manifestations of racism, ethnic conflicts, anti-Semitism and pseudo-religious fundamentalism. The failure of Governments to act in time in certain cases and with necessary determination had contributed to the spread and intensification of such acts. Events of the past few years had clearly shown that there had been a rapid and continuous rise in racism and ethnic conflict in Europe. The attacks by fascist and neo-Nazi armed gangs against immigrants and foreigners and against Jewish cemeteries and synagogues, had been reminiscent of the hell which had characterized Nazi rule during the second world war.

The Commission, he said, should call for increased actions by the United Nations system to implement the unfinished Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and to adopt an effective programme for the third decade. Cooperation between non-governmental organizations on the one hand, and the Commission and the Centre for Human Rights on the other, should also grow. Every aspect of the programme of action for the third decade could be implemented effectively and with much better results if special steps were taken to increase public and

non-governmental participation. Ending racism was vital for world peace and for economic and social development; it was possible only through united, peaceful action in every part of the world by all anti-racism forces.

GEORGE ZODIATES (Cyprus) said it was generally accepted that South Africa had entered a painful transitional period of adjustment. There was reason to hope that with the assistance of and under the watchful eye of the international community, it would gradually revoke all forms of apartheid and a new non-racial, pluralist and democratic society would be erected on the ruins of apartheid. Nevertheless, apartheid was still alive and there was still a long way to go towards its total eradication. The old Constitution remained unchanged. The behaviour of the police, the army and the security forces towards the black majority remained basically unchanged because the police were trained to implement and strengthen apartheid policies and were neither capable nor willing to intervene impartially and effectively in order to protect the lives and properties of the black population.

Further, no change for the better had been observed in the legal status of the bantustans, he said, and no further steps had been taken to pursue a non-racial land reform. The effects of the abolition of the Group Areas Act had been undermined by the Residential Environment Bill and in spite of the abolition of the Population Registration Act, the population register -- compiled under the same law -- remained in effect until the 1983 Constitution was repealed. The deficiencies of South Africa's educational system and the deplorable situation of children, women and youths should be addressed. The international community should continue keeping a wary eye on all developments, he said, the international community could not remain neutral during the process.

Debate on Self-Determination

M. VAN WAALT VANPRAAG, of the Pax Christi International, observed that claims for self-determination were challenging the authority of Governments everywhere. Yet, discussion was limited to what the right to self-determination meant, not what it should mean. Little was being done to promote the enjoyment of that fundamental right through peaceful means. Some Governments and scholars argued that it was the wave of claims to self-determination throughout the world that were causing conflicts, violence and human rights violations. In the vast majority of cases, however, it was the brutal suppression of the legitimate right to self-determination which led to conflict and human suffering.

Were the oppressed Tibetan people to blame for the massive human rights violations in Tibet, he asked. If peoples like the Tibetans, the East Timorese, the Palestinians or the Sahrawis did not have the right to self-determination, then what meaning did the right have at all? Self-determination was not only a fundamental human right, but it was a prerequisite to the enjoyment of other human rights. The issue was all too often portrayed in extremes, without regard to reality. The world should move away from inflexible interpretations of independence, sovereignty and territorial integrity. He proposed that the Commission and Subcommission on

Minorities give particular attention to the question of implementation of the right to self-determination and to the relationship between that right and other human rights by the creation of a working group on self-determination. Peoples claiming the right to self-determination should be invited to participate in the discussion of that working group.

Speaking in exercise of the right of reply, ZHANG YISHAN (China) responded to the accusation that China had killed 1.2 million people in Tibet and the comparison of Tibetans to the population of the occupied territories. That accusation was aimed at damaging China's unity, he said. The Tibetans were members of China's big family. The issue in Tibet was not nationality, religion or human rights. Like other Chinese citizens, the Tibetans enjoyed full human rights. Those non-governmental organizations involved in making allegations about Tibet knew nothing about China or its people. Tibet would not go back to feudalism and would remain part of China.

EL GHALI BENHIMA (Morocco) said that some non-governmental organizations had claimed that Morocco was impeding the holding of the referendum in Western Sahara. Morocco was ready to organize the referendum as soon as possible in an effort to assist the work of the Secretary-General and the United Nations in that direction.

AYDIN SEZGIN (Turkey) said that according to a United Nations resolution, no action should be taken to dismember the territory of a State. In countries with democratic régimes, the right to self-determination could not be exercised. That right should be granted, according to the United Nations, to peoples under alien domination, colonialist or racist rule.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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# HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON VIOLATIONS IN SOUTH AFRICA, RACIAL DISCRIMINATION

## British Secretary of State for Foreign and Commonwealth Affairs among Speakers

GENEVA, 9 February (UN Information Service) -- Addressing the Commission on Human Rights this morning, Douglas Hogg, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, condemned the horrific violations of human rights that had been carried out by all sides in the former Yugoslavia, and said the guilty should be held personally accountable and brought to justice.

The potential for similar ethnic violence and minority conflict in Eastern Europe and the former Soviet Union was real and was a serious threat to the stability of the region, he said. It was essential therefore to find ways to help people belonging to minority groups. He expressed concern about the plight of the Palestinian deportees and human rights abuses in the Sudan, Iraq and Burma. Citing the fatwa against British author Salman Rushdie, he said the United Kingdom had great respect for Islam, but Iran did no service to that great tradition by its failure to repudiate such incitement to murder.

Also this morning, the Commission continued its general debate on the violation of human rights in South Africa, and international action to combat racism and racial discrimination. The representative of the United States called on the Commission to appoint a new rapporteur on racial discrimination, whose task would be to hold nations to account for and to eradicate racial discrimination, as defined in the International Convention on the Elimination of All Forms of Racial Discrimination.

Felix Ermacora (Austria), Vice-Chairman of the Ad Hoc Working Group of Experts on Southern Africa, introducing the Group's report, said that in spite of some encouraging trends, it had concluded that the situation regarding the right to life remained far from satisfactory. The Group was also extremely concerned about reports which had implicated some of the highest ranking officials of the South African Government in efforts to discredit the African National Congress of South Africa (ANC) abroad.

(more)

For information media--not an official record

Taking part in the debate were the representatives of Australia, Denmark (on behalf of the European Community), Japan, Malaysia, United States, Russian Federation, Mauritania, Sudan, Canada, Finland (on behalf of the Nordic countries), China and Brazil.

The representatives of Iraq, Estonia, Latvia and the Russian Federation spoke in exercise of the right of reply.

Statements Made

CHRISTIAN D. BENNET (Australia) said that despite the positive measures undertaken during the Second United Nations Decade to Combat Racism and Racial Discrimination, millions in the world were still subjected on a daily basis to such discrimination. There was a pressing need for the United Nations to maintain an active involvement in strengthening and promoting measures designed to eradicate racism and racial discrimination. The fight against racism should include educative and legislative measures. He was concerned that some activities proposed for the second half of the Decade had not been carried out because of the lack of resources. He strongly encouraged countries to provide resources and to work with the Secretary-General to fulfil the programme outlined for the second half of the Second Decade, and to launch the third decade successfully.

The Australian Government was sponsoring, in conjunction with the Secretary-General, an international seminar to be held in Australia in April on the role of national institutions in combating racism, he said. His country placed the utmost importance on reconciliation between indigenous and non-indigenous Australians. While multiculturalism was working well in Australia, there had been serious incidents of violence, harassment and intimidation against people of non-English-speaking background. The Australian Government, as part of its national social justice agenda for a multicultural Australia, had launched a community relations strategy.

JAKOB ESPER LARSEN (Denmark), speaking on behalf of the European Community and its member States, said South Africa had come far on the difficult road away from apartheid and towards a non-racial democratic society. Although, the breakdown of the talks of the Convention for a Democratic South Africa (CODESA) in May 1992 had been a serious setback, he welcomed the moves which were now taking place to resume those talks. However, the persistence of violence was worrying, and human rights abuses remained a serious problem. The South African Government was responsible for the enforcement of law and order and the prevention of violence from whatever quarter. All parties should refrain from violence and act in accordance with the National Peace Accord.

He recalled that a 15-member observer team from the Economic Commission, which included police officers, diplomats and an economist, had been dispatched to South Africa to join observers from the United Nations and other organizations in accordance with Security Council resolution 772 (1992). He urged that the forthcoming constitutional negotiations and the elections be called upon to settle the question of the so-called "independent" homelands. Meanwhile, all parties should give practical effect in the homelands to

provisions of the National Peace Accord. The European Community called on the South African Government to extend its cooperation with the United Nations to allow a visit by the Ad Hoc Working Group of Experts established by the Commission on Human Rights. He also noted the suggestion made concerning the appointment of a rapporteur on the process of democratic transition in South Africa.

SHUNJI MARUYAMA (Japan) condemned the recurring violence in South Africa, and called upon all parties to cooperate in combating it. The Security Council, of which Japan was a member, continued to follow closely the situation in South Africa, and encouraged the South African people to put an end to the violence and resume negotiations. In addition to its participation in the Security Council, Japan had been making efforts on its own to support the South African people as they strived peacefully to attain their ultimate goal. Japan had also extended, on a bilateral as well as multilateral basis, assistance to the victims of apartheid and to the efforts of the South African people to address their serious socio-economic problems.

At this crucial moment for the destiny of South Africa, the international community should not lose sight of the constructive approach toward eliminating racial discrimination. The right way to do this was to encourage the reform efforts of all the parties concerned and never to hinder them. His delegation sincerely wished to see a consensus on a draft resolution on this item based on a fair and objective assessment of the situation now prevailing in South Africa.

MUSA HITAM (Malaysia) said that confidence in the ability of the reform process to dismantle apartheid in South Africa had been shaken by a number of incidents, in particular the serious township violence which had not only led to the loss of lives and blatant violations of human rights, but had also undermined and disrupted the efforts towards change within the framework of the CODESA process. Malaysia, while welcoming the measures undertaken by the South African Government to prevent future criminal conduct by members of its security forces was none the less dismayed by the adoption of the Further Indemnity Bill. That meant that those who had committed crimes under the apartheid system in the service of the military intelligence, or those who had assassinated freedom fighters or civilians, could be exempted from the judicial process. That Bill went against the grain of international law and trampled on the fundamental rights of the victims of the criminal acts to due process of law and justice. Although some political prisoners had been released, reports from reliable sources indicated that many more were still in prison even though the deadline for their release had expired. He urged the South African Government to take steps to ensure the release of all political prisoners.

J. KENNETH BLACKWELL (United States) said that despite the social, legal and political achievements of the civil rights movement in his country, further progress was needed. Most African-Americans were still trapped in an unyielding cycle of comparative poverty, hidden in the forgotten corners of the nation's cities. But even as the struggle continued, it was important not to forget the progress made. The legal pillars of segregation had been vanquished throughout the south of the United States and major battles had

been won against de facto discrimination there and throughout the rest of the country. Most important, a panoply of laws enforcing civil rights, voting rights, fair housing and much more afforded African-Americans rights that were instruments of further progress.

Racism was at its genocidal worst today in the former Yugolslavia, he continued. It was called "ethnic cleansing". But in lands on every continent, and among peoples of every race, colour, language and religion, racism did its ugly work, sometimes resulting in unspeakable violence. Ethnic tensions had become the racial fault line in widely disparate societies all over the globe. The United States supported the appointment of a new rapporteur on racial discrimination, whose task would be to hold the world's nations to account, and to eradicate racial discrimiation as broadly defined in the International Convention on the Elimiantion of All Forms of Racial Discrimination.

DOUGLAS HOGG, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom, said the dramatic political changes throughout the world during the last few years had offered the potential for all United Nations activities to become more effective. Human rights was no exception. In the past year alone, more and more States had adopted new legislation or made changes to conform to the international standards of human rights; new institutions aimed at the promotion and protection of human rights had been set up throughout the world. It was in that positive climate that the World Conference on Human Rights would take place in Vienna in June and provide a chance for all to demonstrate their determination that, despite differences, Governments had something in common: a determination to give the highest priority to respect for the human rights of the people of the world.

He condemned absolutely, and without hesitation, the horrific and well-documented violations of human rights that were being carried out by all sides in the former Yugoslavia. They should cease, he said. Refugees and displaced persons should be given the right to return to their own homes, and the guilty should be held personally accountable and brought to justice. The turmoil in the former Yugoslavia was part of a ground swell of "ethno-nationalism".

The potential for similar ethnic violence and minority conflict in Eastern Europe and the former Soviet Union was real, and was a serious threat to the stability of the region. It was therefore vital that the international community find ways to help people who belonged to minority groups. Ethnic conflict and minority issues were high on the international agenda, and central to the work of the Commission. They were not simple issues, but there was a lot to be done before practical results could be seen.

The United Kingdom, he said, was deeply concerned that there were now an estimated 30 million street children world-wide. In industrialized countries, they were often alienated and even systematically excluded.

On the occupied Arab territories, he expressed concern at the plight of the Palestinian deportees and condemned the deportations as illegal and inhumane. He urged Israel to comply fully with Security Council resolution

799 (1992). If the Israeli Government wished to avoid censure from the international community, it had to examine its administrative and military practices in the occupied territories and change them, he said. He also expressed concern about the Sudan, where none of the fundamental conditions for a democratic society existed. There was no freedom of religious expression, and there were abuses of the most fundamental human rights. Governments had a responsibility to see that the abuses were stopped. The international community had, through the Commission, a further opportunity to help ensure that human rights in the Sudan were fully respected. He also mentioned the issue of the fatwa against British author Salman Rushdie, for his book The Satanic Verses. That incitement to murder was an unacceptable violation of the most elementary principles and obligations that governed relations between States. The United Kingdom had great respect for Islam and its traditions. But Iran did no service to that great tradition by its failure to repudiate such incitement to murder.

Referring to Iraq, an exceptional case, even by the standards of those which came before the Commission, he said States should continue to do all they could to improve the unacceptable situation. Burma was another country where repression of human rights had become institutionalized. He hoped the Commission would give the regime in Burma no confort while it refused to implement democracy and respect for human rights. The United Kingdom's support for United Nations human rights work was as firm as ever, he said, and announced a further contribution of £25,000 to the Voluntary Fund for Advisory Services Programme of the Centre for Human Rights to assist that important work.

FELIX ERMACORA (Austria) Vice-Chairman of the Ad Hoc Working Group of Experts on Southern Africa, introduced the Group's final report, which covered the period for all of 1992, and contained the results of investigations into violations of human rights generally in South Africa. He said that in spite of some encouraging trends, the Working Group concluded that the situation regarding the right of life remained far from satisfactory. In addition, it had been reported that the South African Government has had contradictory approaches in dealing with the ANC. It had also been disclosed that, eight months after the start of the CODESA talks, the Government had launched a campaign to discredit the ANC abroad.

The reported implication of certain high-ranking officials of the Government of South Africa in that connection was a source of grave concern to the Working Group, he said. It was significant that those very officials were involved until very recently in conducting the CODESA constitutional negotiations. In order to achieve an appropriate climate for a non-confrontational transition, and to improve the relations between the different parties concerned, the Working Group had requested the Commission to invite the South African Government to create appropriate conditions which would facilitate the active participation of all parties concerned in the process of creating a non-racial and democratic constitution.

N. KHLESTOV (Russian Federation) said that despite the efforts of the international community, millions of people continued to be victims of racism, racial discrimination and apartheid. The process of change remained fragile

in South Africa and the outbreak of violence was a great source of concern. There was, however, the emergence of new forms of racism all around the world. The growth of xenophobia and nationalism was affecting foreigners and refugees. Racism and anti-Semitism were also present in Russia. As a result, aggression against foreigners was increasing.

Another problem, he said, was that, following the breakdown of the Soviet Union, 20 million ethnic Russians had become either foreigners or stateless persons. Hostility towards Russians could be seen in some Central Asian States. Legislation in Latvia and Estonia had resulted in millions of Russians becoming stateless and deprived of economic and social rights. The efforts of those States to establish their independence was understandable. The key to solving those problems lay in patience. However, as experience showed, nationalism and ethnic hatred inevitably led to armed conflicts.

MOHAMED SALECK OULD MOHAMED LEMINE (Mauritania) said that South Africa, in spite of some positive developments, continued to be led by a minority Government while the majority of its people remained deprived of fundamental rights.

The Goldstone Commission, the observer mission of the Organization of African Unity (OAU) and others had concluded that the violence in South Africa had reached unprecedented levels. In addition, it had been proved that the security forces were involved in the intercommunal violence. The South African Government was responsible for maintaining public order and should tackle the problem at its roots. The Government could not negotiate with democratic movements on one hand, and fuel the violence on the other hand. The Commission should maintain its pressure on the South African Government towards those ends, including the resumption of the constitutional talks.

P.A. WENSLEY (Australia) said the elimination of apartheid was now an irreversible process within South Africa. Australia was a leading advocate of the Commonwealth policy adopted at the Commonwealth Heads of Government Meeting in Harare in 1991, which linked the phased lifting of sanctions against South Africa to the implementation of real and practical steps to end apartheid. Consistent with that policy, Australia had lifted its people-to-people sanctions in 1991 but had maintained trade and investment sanctions, financial sanctions and the arms embargo. The Commission had been presented with detailed information about the continuing abuse of fundamental human rights in South Africa.

Another problem which remained was the existence of political violence in the townships, particularly in Natal and Transvaal provinces, he said. Political violence would only delay, not reverse, the inevitable transition. This would be a critical year for the transition process in South Africa. The Australian Government would maintain its efforts to consult closely with representative groups in South Africa and the Commonwealth partners over the pace and direction of change in South Africa, and the most effective way in which the international community could assist the transition process.

ISAM ABUGIDERI (Sudan) noted with dismay the deterioration in the situation in South Africa, particularly the alarming number of deaths recorded

in less than one year as a result of political violence. It was regrettable, he said, that such acts of violence were perpetrated by the South Africa regime at a time when the constitutional negotiations were in progress. Those negotiations were positively viewed by the international community as a healthy development in the southern Africa problem. The escalating violence in South Africa was a matter of grave concern and a continuous violation of the fundamental human rights of the people of that country. The South African authorities had to be held responsible for the escalating deaths and violence and for the adverse consequences affecting the social life and the economy of South Africa's people. The measures taken by the South African authorities could not be regarded as adequate. It was disturbing to know that there was still a total lack of confidence in the country's judical system.

The Sudan supported the recommendations of the Ad Hoc Working Group of Experts on Southern Africa and hoped that, during 1993, the Government of South Africa would enable the Ad Hoc Working Group to visit the region. The Sudan supported any action by the Commission towards that end, he said, while emphasizing the need to continue monitoring the evolution of the situation in South Africa until the apartheid system was completely eradicated. The Sudan did not support any waiver or dilution of the sanctions or of the actions taken against the policies of the South African regime, until the resolutions adopted by the Security Council, the General Assembly and the Human Rights Commission were fully implemented, and until the system of apartheid and its associated problems were completely eradicated.

ANNE PARK (Canada) said that over the past three years, the Government of South Africa had made significant steps on the road to non-racial democracy. It was for the people of South Africa to determine the nature of their new constitutional order. Canada would not take sides or prescribe solutions, but would continue actively to support the constitutional process and stood ready to assist in implementing its outcome. Black women, in particular, carried a double burden of discrimination, and additional measures were needed to ensure their full participation in South African society. During the latter stages of last year's multiparty negotiations, women from all political parties came together to forge a common position on the problems facing women in South African society.

She went on to say that as cultural diversity increasingly became a characteristic of most societies, many countries -- including Western ones -- were witnessing an intensification of racial tensions. Every society, including Canada, had some familiarity with the dehumanizing phenomenon of discrimination and rejection of individuals or groups on the basis of colour, ethnicity or socio-cultural traits. Concerted efforts to promote harmonious race relations, since 1982, had taught that action to fight racism and root out systemic discrimination required constant effort and vigilance in all sectors of society, including institutions of justice, education, the media, social services and the workplace. In view of the recent decision taken by the States parties to the Convention on the Elimination of All Forms of Racial Discrimination to amend the Convention in order to fund the Committee from the regular United Nations budget, she urged the Commission to encourage the application of that amendment as soon as possible, in order to improve the

Committee's capacity to monitor the adherence of States parties to their obligations under the Convention. Canada also supported the suggestion that the Commission appoint a special rapporteur on contemporary forms of racism and racial discrimination. Endorsement of that proposal would demonstrate the Commission's determination to address a problem that threatened social peace and justice in many parts of the world.

RISTO VELTHEIM (Finland), speaking on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said the past year in South Africa had been a difficult one. The violence, which had claimed thousands of lives over the past few years, had also led to a halt in the negotiation process. The South African Government must redress the situation, and he strongly urged it to shoulder its responsibility for protecting the lives and property of all its citizens. All parties must take immediate steps to curb political violence by their supporters, and ensure effective implementation of the National Peace Accord.

The Nordic countries had lent their support to the deployment of United Nations observers throughout South Afirca, he continued. He hoped the multilateral negotiations would shortly be resumed and that a large-based transitional executive council could be created in the spring. That would be an important step towards the holding of the first general, non-racial national elections, paving the way for an interim government of national unity and, at long last, a new constitution for a democratic, non-racist South Africa.

CHEN WANGXIA (China) said that as a result of the pressure, both at home and abroad, the South African Government had taken some positive steps, such as repealing or amending apartheid legislation and releasing political prisoners. However, the present reality in South Africa neither met the demands in the resolutions of the Commission nor the goal of completely eradicating the apartheid system. The South African Government must remove the obstacles to the negotiations, stop racial violence and resume the constitutional negotiations as soon as possible, to create conditions for an early realization of the final goal of a united, democratic and non-racial South Africa.

Combating racism and racial discrimination and promoting racial equality remained a basic purpose of the United Nations and a priority item on the Commission's agenda. The United Nations had proclaimed two Decades to Combat Racism and Racial Discrimination, and there had been great efforts to encourage and mobilize people of different countries to contribute to the complete elimination of racism and racial discrimination. However, some of the major objectives embodied in the Programme of Action for the Second Decade had not been fulfilled. In addition to implementing the Programme of Action for the Second Decade, the programme of action for the third decade should contain measures to deal with such new forms of racism and racial discrimination as racial and religious intolerance and xenophobia.

MARCOS V. PINTA GRAMA (Brazil) said that if the standard-setting activities undertaken within the United Nations were especially fruitful in

the area of racial discrimination, the other part of the task -- that of ensuring universal respect for those standards -- seemed far from being accomplished. The emergence of contemporary forms of racism and the dangerous resurgence of xenophobia had materialized in regrettable acts of violence against refugees, asylum seekers, foreigners and ethnic minorities -- its most unacceptable manifestation being the practice of ethnic cleansing - and constituted a new challenge to the international community. Those worrisome trends required careful attention and renewed efforts by the United Nations to combat such abhorrent phenomena wherever they occurred.

He supported the recommendation to appoint a special rapporteur on contemporary forms of racism, and endorsed the recommendation regarding the appointment of a special rapporteur to report on the progress made towards democracy, equality and social justice in South Africa. By adopting those recommendations, the Commission would make an important contribution in monitoring the abolition apartheid in that country.

Rights of Reply

MOHAMMED ALDOUIRI (Iraq), speaking in exercise of the right of reply and referring to the statement by the representative of the United Kingdom, said the Minister's description of the situation in Iraq as "exceptional" was true. Who was responsible for the situation? he asked. What had been the role of the United Kingdom in that exceptional situation? He said the United Kingdom was clearly hostile to Iraq. Security Council resolution 688 (1991) was described as a humanitarian resolution but was, in fact, an attempt to dismantle Iraq. Iraq would continue to reject any attempts towards that end. The people of Iraq continued to suffer because of the embargo. The Unitaed Kingdom's concern for the Iraqi people was hypocritical.

HEINO AINSO (Estonia) said Estonians had lost their land due to naked aggression by the Soviet Union, and they had never been compensated. Estonia had restored citizenship to all who wished it and had offered it to Russians in keeping with international law. Only 20,000 Russians had applied and all who had requested it would get citizenship. Non-citizens could hold public office. Those rights were protected by the Estonian Constitution.

SANDRA KALNIETE (Latvia) said her Government had always been prepared to engage in a dialogue with the Russian Federation whenever a conflict arose. The information gathered by a fact-finding mission had not found any evidence of violations of human rights in Latvia. All citizens of Latvia had the freedom of speech, choice of residence and employment, among other rights. There was as yet no private ownership of property in Latvia. The matter of the forces of the former Soviet Union was the subject of bilateral negotiations. Latvia had treated Russians as any other residents of Latvia.

OLEG S. MALGHINOV (Russian Federation) said the Commission was the place to air problems of concern. That was why the concerns aired about the Russian-speaking population in Estonia and Latvia had been raised.

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United Nations

Press Release

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11 February 1993

HUMAN RIGHTS COMMISSION BEGINS DEBATE ON FORMER YUGOSLAVIA

GENEVA, 9 February (UN Information Service) -- A third of the population of Bosnia and Herzegovina had been forced to leave their homes, 700,000 persons had fled to other countries and 810,000 people had been displaced in their own country, the Special Rapporteur on human rights in the former Yugoslavia told the Commission on Human Rights this afternoon.

Tadeusz Mazowiecki said the world should not fall into cynicism, however. He called for all means to be used to place all prisoners under international control and for the closure of the detention centres, and urged an immediate end to the blockade of the cities, the opening of humanitarian corridors and the creation of security zones in Bosnia and Herzegovina.

The representative of the United States said that while all the war crimes detailed by the Special Rapporteur deserved condemnation, the most egregious human rights violations had been committed by the Serbs against Bosnian Muslims, in a systematic and deliberate way, reflecting policies decided at a high level. He called on the United Nations to create a mechanism to bring war criminals to justice.

The representative of Bosnia and Herzegovina said that thus far the work of the Commission had had a minimal impact on the Geneva peace process. He called on the international community to stop playing the intellectual game of words and to approach the problem of mass violations of human rights with concrete decisions.

The representative of Denmark, on behalf of the European Community, called for the establishment of an international criminal court to deal with violations of international law as well as gross and systematic violations of human rights and crimes against humanity committed in the former Yugoslavia. The representative of Germany concurred, adding that a detailed list of the crimes should be compiled with the perpetrators identified by name.

(more)



For information media--not an official record

The representative of Austria said that in view of the considerable time it would take to set up an international criminal court, an ad hoc tribunal should be established to bring those responsible to justice. The representative of Canada also supported forming an ad hoc tribunal "sooner rather than later".

The representative of the Russian Federation said that any investigation into war crimes had to be impartial, balanced and objective. The work of the Commission should not impinge on the work of any other United Nations body, notably, that of the Security Council. The conflict, he said, could not be divided up into "good guys and bad guys".

The representative of Pakistan said that if the Serbs were not stopped from committing pogroms in Bosnia, religious communities already living in fear elsewhere in the world would be justifiably alarmed that they could be next, and the world, as in the case of Bosnia, would simply watch while the victim's cries fell on deaf ears.

The observer for the Holy See said the perpetrators of "ethnic cleansing" would answer not only to the international community but also to God. The representative of the World Organization against Torture said the proposal to cut Bosnia into 10 pieces could not constitute a stable solution.

Sudan spoke in exercise of its right of reply.

Statement by Special Rapporteur on Former Yugoslavia

TADEUSZ MAZOWIECKI, Special Rapporteur on the situation of human rights in the former Yugoslavia, recalled that in August 1992, when the Commission had charged him with his mandate, the practice of "ethnic cleansing" had already reached intolerable and alarming proportions. From the beginning of the conflict, it was clear that the goal of the war was to create ethnically homogeneous areas. Today, about a third of Bosnia's population had been forced to leave their homes. About 700,000 people had escaped to other countries and 810,000 had been internally displaced.

Unfortunately, that process was not yet over. The drama of those persons who were imprisoned or blocked in their villages and towns and encircled by the military continued. Once again the promises made by the parties to the conflict had not been kept. Only a small number of prisons had been closed. There was proof that the condition of detention of the majority of prisoners amounted to a flagrant violation of all human rights norms. He expressed his abhorrence at the cruelty and degrading phenomenon of rape of women and children and said he was shocked by the scale on which it had been conducted. It was increasingly clear that the Serbian leaders of Bosnia and Herzegovina were mainly responsible for the ethnic purification policy of which the Muslims were victims. One could hardly imagine how that policy would have been possible without the active support of the Government of Serbia, he said.

The Serb population, however, was also victim of the war. Many innocent and moderate Serbs had been persecuted by Serbian extremists. All those who had been guilty of human rights violations should be brought to justice. He

highlighted the courage and dedication of the personnel of the United Nations Protection Force (UNPROFOR), the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) who were facing considerable risks on the ground. The press, which had played an important role in revealing and preventing crimes, was particularly exposed to the dangers. Many journalists had been killed in the conflict. The Commission had condemned the ethnic purification crimes, as had the Security Council and the General Assembly. The participants at the London meeting of the International Conference on the Former Yugoslavia had declared that such practices should cease. That declaration remained a "dead letter".

As a result of the experience he had gained as a Special Rapporteur, he could now say that the United Nations and the means at its disposal were not sufficient for responding to the challenges arising from this conflict. The violations of human rights were not only occurring in Bosnia and Herzegovina but also in the other territories of the former Yugoslavia. In Kosovo, the discriminatory policy towards the Albanian population continued and risked turning into an armed conflict. His report to the Commission would describe the unsatisfactory situation of human rights in the zones under United Nations protection in Croatia, Macedonia and Slovenia. Returning to the situation in Bosnia and Herzegovina, he said the world should not fall into indifference or cynicism. All means should be used to open all the prisons and detention centres to international supervision to end the blockade of cities, to open humanitarian corridors and to create security zones.

Discussion

RICHARD SCHIFTER (United States) asked what good had been accomplished by the documents produced by the Commission and other organs of the United Nations system or by the Helsinki Final Act. It was particularly tragic that in the outburst of fear and hatred, many persons had been swept up and had committed atrocities who in the past had seemed not to show any indication of hatred or of a predisposition to violence. The most shocking crimes had recently been committed by some people against neighbours with whom they had lived in peace and against whom they had seemed not to bear grudges. All aspects of the so-called "ethnic cleansing" should be condemned, and there was a need to focus particularly on murder, torture and rape. Bosnia would long be remembered for the atrocious policies which had been carried out there. "Societies led by dictators committed to personal aggrandizement" responded to the whims of those dictators, and in the former Yugoslavia they had so responded.

As the report submitted by the Special Rapporteur showed, he continued, all the ethnic groups participating in the frightful struggle in the former Yugoslavia had committed war crimes. The greatest number of the most egregious human rights violations had been committed by Serbs against Bosnian Muslims. While all war crimes deserved condemnation in Bosnia, crimes committed by Serb forces were, according to the Special Rapporteur, committed systematically and deliberately. They clearly reflected a policy decided at a high level. Having established the fact that atrocities were committed, what could the Commission do about Bosnia? He called for a resolution which

would express the outrage of the world community about the mass murders and the mass rapes, and about all the horrors which had been perpetrated in the former Yugoslavia.

But, he said, the world community also needed to send a message to all those who might contemplate or might engage in similar action at other times and other places. It was necessary to remind all those who needed such a reminder that war crimes were indeed punishable offences and that offenders would ultimately be punished. The United Nations should create a mechanism to bring war criminals to justice. That was the message the international community should send to the Security Council.

JAKOB ESPER LARSEN (Denmark), speaking on behalf of the 12-member European Community, stated that the appalling violations of human rights and international humanitarian law which were occurring in the former Yugoslavia were being committed on a scale unknown in Europe after the Second World War. In themselves, those specific violations deserved unreserved condemnation, grave as they were in character and scale. What made their practice particularly abhorrent, however, was that the vast majority of them were being pursued in a deliberate policy of "ethnic cleansing". All reports from missions to the former Yugoslavia undertaken on behalf of the United Nations and other international organizations had concluded that the Serbian side was responsible for the overwhelming majority of instances in which ethnic cleansing had taken place, be it in Croatia or in Bosnia and Herzegovina.

The Twelve, he said, placed great faith in the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to achieve peace in the area and a settlement of its many political problems. He called on the Commission to express its strong desire for the current negotiations to conclude successfully in the near future. With regard to the exercise of human rights by persons belonging to minority groups and the return of refugees to the new autonomous regions in Bosnia and Herzegovina, the Vance-Owen proposal for a constitutional settlement contained strong safeguards. It established a high level of protection for all minority groups and set up international supervision with the active involvement of organizations, including the United Nations and the Council of Europe.

He reaffirmed the Community's view that all persons who perpetrated or authorized crimes against humanity or other grave breaches of international humanitarian law were individually responsible for those breaches. He stressed the urgent need for an international criminal court. Such a court could address war crimes or violations of international humanitarian law as well as gross and systematic violations of human rights and crimes against humanity committed in connection with the conflict in the former Yugoslavia, in order to bring the perpetrators of those acts to justice. The Community was determined to support that issue at the United Nations. The Community was closely following developments in the Serbian provinces of Kosovo, Sandjak and Vojvodina and was supporting efforts to increase international presence in those places as necessary. No satisfactory solution could be found to the permanent crisis in Kosovo unless the Albanian majority there was granted extensive autonomy within Serbia.

FELIX ERMACORA (Austria) said his country, due to its proximity to the area of conflict, had received a great number of refugees, particularly from Bosnia and Herzegovina. History had proven that in such a conflict, victims and culprits could be found on all sides. It appeared, however, that the scale of gravity of the crimes committed by the Yugoslav National Army, Serbian paramilitary groups and Serbian police forces was the most serious. The repellent practice of "ethnic cleansing" represented both a systematic method applied in the conflict and even appeared to be its main goal. Principles formerly considered sacred in a civilized society were no longer honoured: members of UNPROFOR had been targets of violence, hospitals were being shelled, religious sites had been razed and the civilian population's suffering surpassed description. One especially repulsive feature of the sufferings caused to the civilian population, namely the mass rape and sexual abuse of women, particularly by Serbian military and paramilitary forces, was a matter of grave concern to the international community.

The question of establishing an international criminal court had been on the agenda of the General Assembly for more than 40 years. Although Austria was very much in favour of such a court, it was not advisable to wait for its establishment before taking action against the perpetrators of serious war crimes in the former Yugoslavia. Such a tribunal would have to be established by an international treaty which would have to be agreed upon by the parties concerned and by other interested States.

Such a tribunal, he said, was not intended to impose the right of the victor, but to bring all those responsible to justice, regardless of their origin and on the basis of generally accepted principles of international law. Adequate measures to be decided by the Security Council under the Charter would be required in order to stop the vicious cycle of violence in the war-torn region. He called on the Commission to create a more effective machinery to prevent grave and massive violations of human rights, including machinery for minority protection and a system of emergency methods for intervening on gross violations of human rights.

ANNE PARK (Canada) said her Government, which had the third largest peace-keeping force on the ground in the former Yugoslavia, attached great importance to seeing early and effective steps to end the conflict. Enduring peace would derive only from a negotiated settlement which all groups saw as equitable and as a basis for the future security of their basic rights and freedoms. The ongoing peace talks in New York offered the best hope for achievement of such a result, and Canada had pledged its readiness to contribute in every way possible to their success. The human rights issue represented an important dimension of the overall problem in the former Yugoslavia, and the measures adopted by the Commission were an important contribution to their solution.

The most compelling and urgent issue for the Commission's attention was the sexual violence being endured by thousands of women, especially in Bosnia and Herzegovina, she said. Canada appreciated the efforts of various parties, including Mr. Mazowiecki, to investigate the accounts of rape as a weapon of war. To that end, it was essential that a specific investigation be carried out under a special rapporteur or team of experts mandated to pursue that work.

Equally important, she said, was the Commission's contribution to ensuring that the perpetrators of the atrocities in the former Yugoslavia were brought to justice. Canada supported the establishment of an international ad hoc tribunal to judge those responsible for those acts. The Commission should attach special importance to the requirement for effective cooperation among all international agencies and bodies seeking to alleviate the suffering in the former Yugoslavia.

V.I. BAKHMINE (Russian Federation) said that Russia's close bonds of friendship and proximity made it very concerned that, on the land of the former Yugoslavia peace should reign again. Resolution of the conflict there depended on the collective will of mankind. The Commission had moved quickly, and that offered hope that the bloody drama would soon come to an end. "Ethnic cleansing" was contemptuous of international law, and was also incompatible with morality. He welcomed the establishment of a commission of experts to investigate war crimes committed in the territory of the former Yugoslavia. Concerning the allegation of rape of Muslim women, other facts had suggested that such acts were also being committed against non-Muslim women. Any investigation had to be impartial, wide-ranging and balanced, and should not impinge on the work of the Security Council or any other United Nations body.

The Vance-Owen plan was a reasonable alternative to bloodshed. However, the weight of responsibility in any settlement should not come down on one side or another. He called for the rapid implementation of the conclusions detailed in the Special Representative's report. Balance and objectivity were vital, with impartiality and goodwill being the way to peace. It had been said, he continued, that Russia had adopted a pro-Serbian position. Russia was not pro-Serbian, it just could not understand the division into "good guys and bad guys". The burden of guilt could not be placed on one party alone in the conflict. Only individuals could be punished and there were many components to be considered in the search for peace in the territory of former Yugoslavia.

MUSHAHID HUSSAIN (Pakistan) said Bosnia presented a "modern day horror story" which was being enacted before the very eyes of a world which refused to act to stop a systematic campaign of extermination of an entire population whose only "crime" seemed to be their religion. According to the report of the Special Rapporteur, the Muslim population was the principal victim and was virtually threatened with extermination. According to the United States State Department report submitted to the Security Council on 21 January, there had been documented instances of Serbian war crimes against the Muslims of Bosnia. After all that had been documented, the response of the international community was disappointing, to say the least.

Two kinds of messages were emanating from the carnage in Bosnia, he said. First, the crimes in Bosnia made a mockery of United Nations resolutions, the Charter and civilized norms of conduct. The second important consequence of Bosnia was its role in widening the chasm between the Muslim

world and the West due to the apathy of countries whose talk of commitment to human rights and civilized norms of behaviour was not matched by any concrete action on the ground.

Pakistan had not only been strongly condemning the Serbian aggression but it had also been in the forefront of those who had proclaimed their solidarity with the Bosnian Government. He urged the Commission to take a strong position to uphold human rights and civilized values in Bosnia so that the grave crimes being committed there did not become a precedent for similar action in the future, which would be a "blot on the fair name of humanity". If the Serbs were not stopped from their pogroms in Bosnia, there was little doubt that religious minority communities already living in fear in other countries would be justifiably alarmed that they could be next, and the world, as in the case of Bosnia, would simply watch and wait while the aggressor completed his unholy task and the victim's cries for justice fell on deaf ears.

G. BAUM (Germany) said that while grave human rights violations had been committed by all sides in the conflict, the Serbian side was responsible for the largest number of grave violations and those who were suffering most were the Muslims. What was taking place in Bosnia and Herzegovina was the deliberate extinction of an ethnic group, as the findings of the Special Rapporteur had confirmed. Concerning the issue of the systematic abuse of women with the intent of destroying the dignity and the social existence of a whole community, the recommendations of the report by the European Community mission should be implemented without delay. They included psychological and medical assistance for the victims, the purchase of ambulances and the granting by Governments of entry permits for those most in need. A second subject of particular concern to Germany was the sheer number of refugees. He thanked Croatia for having taken the largest share of the burden. Germany was assisting Croatia with a 50 million deutsche mark shelter project.

There was an urgent need for a detailed compilation of the crimes being committed for an international register, he said. Evidence had to be gathered and the perpetrators identified by name. He hoped that a practical proposal on the establishment of an international criminal court would emerge soon. It was also necessary to put pressure on Belgrade. A man had recently been elected, as a member of Parliament, who was accused of being responsible for the mass execution of as many as 3,000 men, women and children near Brcko. The man was Zeljko Raznjatovic, nicknamed Arkan.

Germany, he said, also supported wholeheartedly the Italian proposal for a register of all refugees and their places of origin, so that justice could be done as soon as circumstances allowed. He strongly supported the efforts to address the human rights violations against women, outside the context of the former Yugoslavia. He also called for the appointment of a special rapporteur on that question. All that could be implemented only within an overall settlement of the conflict. The Vance-Owen peace plan was the best solution. He hoped that the involvement of Security Council would help implement it.

MUSTAFA BIJEDIC (Bosnia and Herzegovina) stated that the Serbo-Montenegrin aggression was continuing with all known effects, namely, destruction, killings of civilians, permanent "ethnic cleansing", starvation and organized and deliberate raping. He expressed great surprise and disappointment that some key countries still considered the conflict in Bosnia and Herzegovina to be a civil war. The results of the work of the Human Rights Commission so far were minimal. It had not even had any influence on the Geneva peace process. As a result of the ineffectiveness of the United Nations, in Bosnia and Herzegovina people were deprived of many rights.

Concerning the difficiencies of the Geneva peace negotiations, he said that as soon as the package of the Co-Chairmen was finished and approved by one side, difficulties in human rights in other areas apart from those occupied by the aggressor became a new reality. The international community, having failed to address the crisis in Bosnia and Herzegovina in a timely and appropriate manner, found itself having to deal with the leaders of the illegal armed factions. In doing so, the two Co-Chairmen gave the aggressor the status of a negotiating party. Consequently, two armed factions were treated as representatives of their peoples.

The multi-ethnic, multicultural essence of Bosnia and Herzegovina, relying on centuries of coexistence, was undermined. One should have in mind those consequences which had direct bearing on the work of the Commission. As a result of the application of ethnic criteria in delimiting provincial borders, the aggressor would control almost half of the territory of the country while having less than a third of the population. The worst effect of this approach was that it rewarded aggression and promoted the policy of fait accompli and use of force to the level of a legitimate factor in international relations. He called on the international community to approach the problem of mass human rights violations with concrete decisions.

PAUL F. TABET, observer for the Holy See, said those responsible for the "ethnic cleansing" were encouraged by the attainment of their goals. The international community could not tolerate such flagrant violation of human rights norms in the heart of Europe. In that way, the international community looked feeble and lost its credibility. Pope John Paul II had appealed to the international community not to accept such aggression and conquest by force. The aggressors would not only answer to the international community, but to God as well. The international community had every right to condemn those who had committed crimes against humanity.

Assistance had to be provided for those who were escaping the "ethnic cleansing", he continued. They had the right to expect safe havens and to be placed under international protection. The international community should provide effective humanitarian assistance for them. The Holy See called for a just solution to the conflict and called on all States to have the courage to establish peace.

ERIC SOTTAS, of the International Organization against Torture, said that the "monstrous" collective rapes of an estimated 20,000 to 50,000 women and girls in Bosnia had been in addition to the rest of the torture practised in

the detention camps since the beginning of the conflict. He said that the peace plan's proposal to cut Bosnia into 10 provinces could not constitute a stable solution. It encouraged the parties to try to gain a maximum of territory and also partly explained Croatia's offensive in Krajina. The peace plan should focus on efficient mechanisms to protect minorities and on means to identify and punish those who were guilty of "ethnic purification".

Right of Reply

The representative of the Sudan expressed regret that Douglas Hogg, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom, this morning had chosen to refer to the situation of human rights in the Sudan. The Sudan categorically rejected the allegations and emphasized that the generalizations were tantamount to ignoring the efforts of the Government to deal with challenges of economic and human development. The General Assembly resolution mentioned by the Minister was a misrepresentation, as it had nothing to do with the situation of human rights in the Sudan. Such statements could only drag the world into destructive religious confrontations. Mr. Hogg had also ignored the recent agreement reached between the United Nations and the Sudan for the delivery of relief supplies. The Sudanese Government was keen to improve the human rights situation in the country. There had, indeed, been improvements.

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